

**ATTACHMENT "6";
FILBERT CARVALHO**

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER
GAHR, FRANK ROBERT PAULSON,
CHARLES TURNER, and Tom Young,

Plaintiffs,

vs.

MICHAEL CHERTOFF, Secretary,
DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

CIVIL NO. 03-00567 DAE/BMK

DEPOSITION NOTICED BY: MICHAEL JAY GREEN, ESQ.

DEPOSITION OF FILBERT CARVALHO

Taken on behalf of the Plaintiffs at TSA Maui County
Airports Training Center, 33 Lono Avenue, Suite 270,
Kahului, Maui, Hawaii, commencing at 8:54 a.m., May 12, 2006
pursuant to Notice.

REPORTED BY: GLORIA T. BEDIAMOL, CSR/RPR #262

JWADO

A P P E A R A N C E S

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1 Pursuant to Rule 14 of the Rules Governing Court
2 Reporting in Hawaii, the Reporter's Disclosure was made and
3 is attached hereto.

4 Pursuant to Rule 30(b)(4) of the Hawaii Rules of
5 Civil Procedure, the following is stated for the record:

6 My name is Gloria Bediamol, Certified Shorthand
7 Reporter with Iwado Court Reporters, Inc. My business
8 address is 2233 Vineyard Street, Suite A, Wailuku, Maui,
9 Hawaii. Today's date is May 12, 2006. The time is 8:54
10 a.m. This deposition is taking place at Iwado Court
11 Reporters.

12 In attendance are: Mr. Green, Ms. Kagawa,
13 Ms. Hevicon and Mr. Helper.

14 The deponent is:

15 FILBERT CARVALHO,

16 The deponent, having been sworn to tell the truth,
17 the whole truth, and nothing but the truth, was examined and
18 testified as follows:

19 EXAMINATION

20 BY MR. GREEN:

21 Q. Say your name, please.

22 A. Filbert W. Carvalho, Jr.

23 Q. What's your present business or profession?

24 A. I work for The Department of Homeland Security,
25 TSA, assigned to the Kahului Airport Maui, I'm an inspection

1 investigator for security.

2 Q. I'm sorry, the first thing you said you do what?

3 A. I work for the federal government.

4 Q. And what do you do for them?

5 A. I'm a security inspections agent.

6 Q. And then you also say you work for TSA, did you
7 say?

8 A. Yes, sir.

9 Q. Who do you get paid by? Who do you get your check
10 from?

11 A. TSA.

12 Q. And do you hold two titles? In other words, does
13 TSA hire you as an employee of the federal government?

14 A. Yes, sir.

15 Q. Have you ever had your deposition taken before?

16 A. Yes, sir.

17 Q. What were the circumstances?

18 A. Criminal cases, civil cases.

19 Q. When was the last time?

20 A. Maybe three months ago.

21 Q. And what was that case about?

22 A. Civil rights.

23 Q. Who was suing who?

24 A. Another employee. I forget the name.

25 Q. Another employee for who?

1 A. TSA.

2 Q. What's the name of the employee?

3 A. I don't remember. There's been several, sir.

4 Q. How far did you go in school?

5 A. College.

6 Q. How long have you been working for the federal
7 government?

8 A. A total of 11 years.

9 Q. And during that time, have you done investigations
10 for the federal government?

11 A. Yes, sir.

12 Q. Have you done investigations for TSA?

13 A. Yes, sir.

14 Q. Before, and I'll get into this a little bit, but
15 have you done investigations for other agencies?

16 A. Yes, sir.

17 Q. You write reports?

18 A. Yes, sir.

19 Q. You don't remember who the person was three months
20 ago?

21 A. There's been several, sir.

22 Q. Take your time.

23 A. I've done interrogatories --

24 Q. I don't care about those. I only care about the
25 deposition. You take your time because we're going to go

1 through the rules of a deposition. But you need to know,
2 and you probably were told, that everything you say this
3 lady is taking down. Do you understand that?

4 A. Yes, sir.

5 Q. And my guess is, is this case is going to go to
6 trial. At some point, some jury or some judge may know that
7 I asked you who you were deposed about three months ago, and
8 you're telling me you don't know. Is that what you are
9 saying?

10 A. Sir, there are several names.

11 Q. You think about it, and then you tell me, if you
12 can remember, who the person was that sued TSA for civil
13 rights violations.

14 A. (The witness pauses.)

15 Q. Let's do it this way. They call you officer? I
16 want to make sure I call you by the right title.

17 A. Just by my name, sir.

18 Q. Mr. Carvalho, if it comes to you, you just yell it
19 out to me; okay? What was the nature of the complaint that
20 you were deposed about?

21 A. Civil rights.

22 Q. That means a lot of things.

23 A. Yeah, the supervisor had done a wrong where she
24 was assigned with a supervisor who she claimed that slept
25 with her husband, and she wanted to be separated on shifts.

1 Q. So she was suing, was it, TSA and/or Wackenhut or
2 the federal government? Who were the defendants?

3 A. The ombudsman in civil rights against TSA.

4 Q. That was a few months ago?

5 A. Yes, sir.

6 Q. Who was her supervisor?

7 A. Davelyn Gordon.

8 Q. And she worked where?

9 A. TSA.

10 Q. Where though?

11 A. Screening workforce on Maui.

12 Q. Generally, if you can remember, how many civil
13 rights cases have you testified at trial or in deposition in
14 the last three years that involved an employee of TSA?

15 A. Seven.

16 Q. Seven. And you've been with TSA how many years
17 and/or the federal government at the airport?

18 A. Eleven years with the federal government; at this
19 airport, four years.

20 Q. Maybe 15 civil rights cases or more over those
21 years by employees?

22 A. Yes, sir.

23 Q. Did you ever review any of the complaints in those
24 cases?

25 A. Yes, sir.

1 Q. How many of those cases involved the Maui airport?

2 A. All of them that I reviewed.

3 Q. Can you remember some of the individuals, if there
4 were individuals, named in those lawsuits?

5 A. Yes, sir, but I'm having trouble with one right
6 now.

7 Q. That's okay. By the way, let me just say, I kind
8 of do these things informally, depositions. I have a very
9 raspy voice, and I have no disrespect for you. I want you
10 to know that. I don't mean to sound arrogant or cocky.
11 It's just the way I speak, so I want you to know from the
12 jump that I mean you no disrespect; okay?

13 A. Cool.

14 Q. Pat Iragashi (sic), was she ever named as a
15 defendant?

16 A. Yes, sir.

17 Q. How many times over the years?

18 A. Several times. No accurate counts. She was
19 mentioned several times.

20 Q. Did any of those cases have to do with racial
21 discrimination?

22 A. Yes, sir.

23 Q. In any of those cases, did anyone accuse Patty
24 Iragashi -- am I pronouncing that right, Deb?

25 MS. KAGAWA: Igarashi.

1 Q. (By Mr. Green) Igarashi -- of calling someone a
2 fucking haole?

3 A. Yes, sir.

4 Q. How many times do you think that came up?

5 A. Three.

6 Q. Were all of those people, the plaintiffs, were
7 there allegations of fucking haole all white men?

8 A. Yes, sir.

9 Q. Were all of those men, men that were from the
10 mainland initially, and what that means to me is, I mean you
11 can be from the mainland and moved 20 years ago, but I mean,
12 let's say, within six months of coming to the airport, was
13 that about the time frame or less of those males?

14 A. Not all.

15 Q. Some?

16 A. Yes, sir.

17 Q. Of the people that -- I'm only talking about civil
18 rights cases now -- where the word "fucking haole" came up,
19 were all of those employees terminated, to the best of your
20 knowledge?

21 A. No.

22 Q. Were some of them terminated?

23 A. Yes, sir.

24 Q. During those years or months of those cases, the
25 fucking haole cases, what was your job description at the

1 airport?

2 A. I was still an inspector and briefly I was
3 assigned as a temporary screening manager.

4 Q. What interaction, if any, would you have had with
5 that woman, Ms. Igarashi, during those cases, the
6 allegations of those cases?

7 A. I had some oversight over the screening
8 operations, so she was a manager, so she actually reported
9 through me.

10 Q. I'm going to jump around a little bit, and I'm
11 going to come back to this if I can remember later on. What
12 is the earliest you can remember in time that there was any
13 allegation against that woman that dealt with calling
14 someone -- when I say "fucking haole," I don't want you to
15 just disregard, so I don't mislead you, is the word just
16 haole. So when I talk about "fucking haole," will you just
17 considering that phrase as opposed to the word "haole." Do
18 you understand the question?

19 A. Yes, sir.

20 Q. Will you just focus on the words "fucking haole"?

21 A. Yes, sir.

22 Q. Did the word "haole" come up in allegations
23 against her without using the derogatory word "fucking"?

24 A. No, sir. The only complaint was --

25 Q. The fucking haole?

1 A. Yes, sir.

2 Q. And during those times before the lawsuits were
3 filed, were you ever aware of allegations made by any TSA
4 employee, or maybe even Wackenhut employee, accusing her of
5 calling them a fucking haole before the lawsuit?

6 MR. HELPER: Let me object, vague. You used "the
7 lawsuit," do you mean this particular lawsuit?

8 MR. GREEN: No, no. Thank you, Tom. I'm going to
9 go through the rules a little further. I just got carried
10 away. I want to explain what we're doing here.

11 Q. (By Mr. Green) Did you become aware of complaints
12 about that woman, not in this lawsuit but the other lawsuits
13 we've talked about, the fucking-haole lawsuits, before those
14 lawsuits were filed, did you become aware of people saying
15 she's saying these things about me or about other people or
16 people complained about her conduct?

17 A. Not the phrase "fucking haole," but there was
18 other things brought to my knowledge, yes, sir.

19 Q. About her being perhaps a racist about different
20 things?

21 A. About her using the phrase "my people."

22 Q. What did you believe the tenor of "my people"
23 meant, if you investigated it or had an opinion, what did
24 that mean to you?

25 A. "My people" --

1 MR. HELPER: Objection, lacks foundation.

2 Q. (By Mr. Green) Go ahead, you can answer.

3 A. She came from another organization Wackenhut, and
4 they were coming to work for TSA. Some of them, the
5 incumbents, which were going to come from Wackenhut that
6 tested and came over, meaning "my people" that she used to
7 work for prior to.

8 Q. If we focus on the racist comments that we talked
9 about, the haole comments, did you become aware of
10 allegations she had talked to people like that before
11 lawsuits were filed against her and others?

12 A. No.

13 Q. To your knowledge, was she ever counseled or
14 reprimanded before this lawsuit about her calling people
15 "fucking haoles" or other racist terms?

16 MR. HELPER: Objection, lacks foundation.

17 Q. (By Mr. Green) You can answer the question.

18 A. I have no knowledge.

19 Q. Did you ever report her to anyone about that kind
20 of conduct, talking to people in a racist manner?

21 A. The report I made, sir, was with reference to the
22 term "my people," and I handled the counseling directly and
23 reported to my chain of command.

24 Q. Is there something that was set up back then about
25 counseling employees like Ms. Igarashi if they used

1 derogatory or defamatory or discriminatory terms?

2 A. Absolutely.

3 Q. Is that found somewhere?

4 A. In our code of ethics and our management
5 guidelines --

6 Q. And --

7 MR. HELPER: Let him finish.

8 THE WITNESS: And our management guidelines, yes,
9 sir.

10 Q. (By Mr. Green) Let's go back to where I started
11 about the rules of the deposition. It's important that you
12 understand the questions, and the answer you give is
13 responsive; okay?

14 A. (Witness nods head.)

15 Q. You have to answer.

16 A. Yes, sir.

17 Q. If you don't understand the question, tell me
18 because the court reporter is taking down everything, and
19 you don't want to be in a situation where you look at a
20 transcript one day and you have an answer that you read that
21 you gave, and you certainly did not mean to give that answer
22 to the question. So if you have any issues with
23 understanding my question, tell me and I'll try to rephrase
24 it for you; okay?

25 A. Yes, sir.

1 Q. It's important that you answer the question
2 audibly, instead of nodding your head, because she's kind of
3 concentrating on what she's doing, and if you shake your
4 head one way, she's liable to take down a "yes," and you may
5 mean a "no." So just answer audibly; okay?

6 A. Yes, sir.

7 Q. At some point, after your deposition, the court
8 reporter will prepare a transcript, and you are going to get
9 a chance to review it, and you'll have an opportunity to
10 make changes?

11 A. Yes.

12 Q. Certain changes some court's consider it to be
13 substantive changes. In other words, if you say "yes" to
14 something today --

15 A. Bonnie Tanner.

16 Q. Who is that?

17 MS. HEVICON: He shouted out the name.

18 Q. (By Mr. Green) Bonnie. Good. I have no idea
19 what I asked you about her, but thank you.

20 A. The ombudsman made contact with me to give a brief
21 interrogatory on why she was --

22 THE COURT REPORTER: Excuse me, could you slow
23 down.

24 THE WITNESS: Sorry. I gave a telephonic
25 interrogatory on why she was terminated. Sorry about that.

1 Q. (By Mr. Green) If you make substantive changes, a
2 judge or jury may know you said "yes" today, and you changed
3 it to "no"; okay?

4 A. Yes, sir.

5 Q. Obviously, the questions that are asked, the
6 answers will be given under penalty of perjury, and I know
7 that you are aware of that, yes?

8 A. Yes, sir.

9 Q. Anything -- this is the only opportunity you
10 actually get to ask me anything in a deposition, unless it's
11 for clarification. Is there anything you want to ask me
12 before we begin this thing?

13 A. No.

14 Q. You are not on any medication that would impair
15 your ability to understand questions?

16 A. No.

17 Q. How far did you go in school? I think you may
18 have mentioned this, but after high school how far did you
19 go?

20 A. Some college.

21 Q. When did you end your college career? What year
22 was it?

23 A. I'm still attending. I ended in '93 and went back
24 briefly.

25 Q. Good for you. What are you studying?

1 A. Criminal science.

2 Q. Your first employment, and I don't care about
3 working part time, but your first real employment, in your
4 mind, would have been what? Either during college or after
5 high school, what would it have been?

6 A. U.S. Army.

7 Q. When was that?

8 A. 1985 to 1993 February 14th.

9 Q. Where did you serve?

10 A. Europe, Central American, North Carolina, Georgia
11 and back home to Hawaii.

12 Q. And you were with the army?

13 A. Yes, sir.

14 Q. Did you ever work for the MPs?

15 A. Yes, sir.

16 Q. And when was that?

17 A. 1988, '89 Ford Meade, Maryland.

18 Q. Arrested people from time to time?

19 A. Yes, sir.

20 Q. Got some training in report writing?

21 A. Yes, sir.

22 Q. In those days, were you trained to at least, when
23 you make reports, try to put down things you thought were
24 the most important?

25 A. Yes, sir.

1 Q. Obviously, you can't write everything down; so
2 that's why you would at least try to write down the most
3 important parts of the report, yes?

4 A. Yes, sir.

5 Q. And probably in the army a hundred or more reports
6 as an MP?

7 A. Not that much, sir.

8 Q. Fifty?

9 A. Yes.

10 Q. Okay. After the army, where did you go?

11 A. Department of Public Safety, State of Hawaii.

12 Q. What years were they?

13 A. '94 through '96.

14 Q. Who was your supervisor there?

15 A. George Sumner (phonetic).

16 Q. Did you work with Faith Evans?

17 A. Yes.

18 Q. What was your position in public safety?

19 A. I was a corrections officer then became a sheriff.

20 Q. Lots of reports, right?

21 A. Yes, sir.

22 Q. Important again to make sure you write down the
23 things you believe are important, yes?

24 A. Yes, sir.

25 Q. Sign your name to report, you are attesting that

1 it's true and accurate to the best of your knowledge?

2 A. Yes, sir.

3 Q. What do you do next? Strike that. What year do
4 you leave public safety/sheriff?

5 A. '96 to 2000 I transferred from public safety to
6 DLNR. I became a Department of Conservation enforcement
7 officer.

8 Q. You've been in law enforcement how many years, if
9 we include what you do now, how many years have you been in
10 it?

11 A. From 1985 to the present, sir.

12 Q. So 22 years or so?

13 A. Yes, sir.

14 Q. Over those years, have you had occasion to
15 investigate various forms of misconduct?

16 A. Yes, sir.

17 Q. Various forms of criminal violations?

18 A. Yes, sir.

19 Q. I'm assuming over those years you've investigated
20 allegations of discrimination of various kinds?

21 A. Yes.

22 Q. Violations of people's civil rights?

23 A. Yes, sir.

24 Q. Might include over the years age discrimination?

25 A. Just recently, yes, sir.

1 Q. Sexual harassment?

2 A. Yes, sir.

3 Q. Sex discrimination?

4 A. Yes.

5 Q. Race discrimination?

6 A. Yes.

7 Q. You kind of know it -- after all these years, you
8 kind of know it when you hear it; right?

9 A. Yes.

10 MR. HELPER: I move to strike that last question
11 as vague.

12 Q. (By Mr. Green) He understood it, Tom, and he
13 answered it.

14 If you don't understand it, just tell me; okay?
15 I'll tell you something, Brother, there's no tricks in this
16 deposition. You have a very good lawyer, so if he makes an
17 objection, stop speaking, and then if he tells you not to
18 answer, then you should ignore him and just answer. But if
19 he tells you not to answer, don't answer and then we'll move
20 on to something else.

21 When do you start at Wackenhut, if you did? Did
22 you ever work for Wackenhut?

23 A. Yes.

24 Q. When was that?

25 A. Briefly in 2000.

1 Q. And "briefly" means when?

2 A. Like three days.

3 Q. What was the reason you went there?

4 A. I went there as a law enforcement officer
5 part-time work.

6 Q. Did you work for Buzzy?

7 A. Yes.

8 Q. Do you know Godfrey Ortiz?

9 A. No.

10 Q. Kenny Chang?

11 A. Yes.

12 Q. So you are there three days, then where do you go?

13 A. I got a called from the federal air marshal
14 branch, and it was right after 911.

15 Q. What did you do?

16 A. I became a federal air marshal.

17 Q. You flew around?

18 A. Yes.

19 Q. What happens after that?

20 A. I was assigned in Los Angeles, I had the
21 opportunity to return home to Maui, and the inspections
22 division opened up, and I transferred as an inspector to
23 Kahului airport.

24 Q. What exactly is your definition of "inspections
25 division"?

1 A. We take care of all the security regulations
2 imposed on the air carriers and airport security, and we
3 take care of the rules and regulations and make sure that
4 everybody is abiding by them.

5 Q. And that was what year, I'm sorry, that you
6 started doing that?

7 A. 2002 to the present.

8 Q. Why did you leave state government in 2000?

9 A. For federal employment.

10 Q. Ever had any lawsuits filed against you, as a
11 defendant, prior to coming to the airport?

12 A. No.

13 Q. You never had, and just correct me, it's kind of a
14 negative question, but I assume during your training you
15 knew never to ignore claims of discrimination; is that
16 right? In other words, if you believe if you were told that
17 someone had been discriminated against, you would not simply
18 walk away and ignore it if your job description was to
19 investigate those kinds of things; right?

20 A. My job description is not to investigate those. I
21 am a security investigator inspector.

22 Q. When you were with Wackenhut even for those days
23 or working for TSA, was it your impression that if you were
24 told about some type of discrimination, racial or otherwise,
25 that you could simply ignore it and not report it to someone

1 else?

2 A. No, sir.

3 Q. What did you believe your job would be in that
4 regard?

5 A. Even ethically, as an employee of the federal
6 government, we're trained to report.

7 Q. Did you get any training when you went to work
8 for, I'm just going to use TSA, whether you were actually an
9 employee for them, did you have any training?

10 A. Yes, sir.

11 Q. What was the training?

12 A. With reference to?

13 Q. What kind of training about anything you got from
14 TSA?

15 A. I was trained --

16 Q. In the screening area, I'm sorry.

17 A. In screening?

18 Q. What happens when I go through the --

19 A. I was never a screener. I was always an
20 inspector. I assisted with the roll-out. It's a different
21 branch. I don't know --

22 Q. What was your job as an inspector?

23 A. We made sure that the screening and everything was
24 done in accordance with the regulation.

25 Q. And what regulations or training did you receive

1 regarding those regulations?

2 A. I went to initially four months, then two and a
3 half months of training in an academy that taught us how to
4 read the CFR, which is the Code of Federal Regulations, and
5 who had to abide by each of those sections: the air
6 carrier, the airport operator, and us the federal
7 government.

8 Q. Then when you came back here to Maui, did you get
9 any additional training for your position?

10 A. No, sir.

11 Q. Your immediate supervisor would have been here on
12 Maui?

13 A. At that time, Lowery Leong.

14 Q. And after that?

15 A. Howard Tagamori.

16 Q. When Howard came in, what was Lowery's position?

17 A. Lowery is the federal security director.

18 Q. Do they have offices at the airport?

19 A. Yes, sir.

20 Q. You have offices at the airport?

21 A. Yes, sir.

22 Q. What's your ethnic background?

23 A. I'm Portuguese/Hawaiian.

24 Q. Did you instruct any of the people who work for
25 TSA in how to write reports?

1 A. No, sir.

2 Q. Was it your understanding, based on your training
3 and experience, that reports generally should be prepared
4 contemporaneously to the event?

5 A. Yes, sir.

6 Q. And what would "contemporaneously" mean to you?

7 A. On time, accurate.

8 Q. Have you had occasion to review reports at any
9 time that were made by others regarding violations of the
10 airport which could include discrimination complaints?

11 A. Discrimination, no, sir.

12 Q. What kind of reports have you reviewed that were
13 made by others?

14 A. Infractions being security doors not being locked,
15 other security-related incidences.

16 Q. Who would make those reports?

17 A. Air carriers, employees, airport operators.

18 Q. When we talk about employees -- let's talk about
19 employees, airport operators all being employees for the
20 sake of the question. Are those people or some of those
21 people, do they work in the area of screening?

22 A. No.

23 Q. Any of them work in that area?

24 A. Yes.

25 Q. Has it been your experience on Maui that people

1 have made reports, types of complaints, that have been weeks
2 or months after the event?

3 A. Yes, sir.

4 Q. And when is the first time you saw that -- a
5 report made weeks or months after the event allegedly
6 occurred?

7 A. I have seen reports redocumented because of either
8 loss or used as a time line to refresh someone's memory.

9 Q. What does that mean, "as a time line to refresh
10 someone's memory"?

11 A. Chronologically, even myself, I write down bullets
12 or reminders, so later on when I do compile a report, I have
13 things that will refresh my memory.

14 Q. At least based on your experience in writing
15 reports, you would put down bullets so those events would be
16 fresh in your memory in time to when the event took place;
17 is that right?

18 A. Yes, sir.

19 Q. And then later on, you might prepare a more
20 thorough report, so if you needed to refresh your memory
21 later on or testify or be able to explain it, you had the
22 report, yes?

23 A. Yes, sir.

24 Q. I'm talking about, and it probably wasn't a good
25 question, I'm talking about for the first time report, not

1 bullet points, I'm talking about a first time complaint, a
2 report of misconduct against another employee that was made
3 for the first time weeks or months after the alleged event.
4 Have you seen that happen since you've been at the airport?

5 MR. HELPER: Let me object to the term "made" as
6 vague. Do you mean written?

7 MR. GREEN: Well, yeah, that's what I mean.

8 THE WITNESS: By myself or by --

9 Q. (By Mr. Green) No, by others.

10 A. Not that I recall.

11 Q. Did you read the reports in this case?

12 A. Yes, sir.

13 Q. Did you notice reports that are made weeks or
14 months after --

15 A. I noticed typos on mine, yes, sir.

16 Q. I don't care about typos. I care about the actual
17 body of complaints prepared weeks or months after the event.

18 A. Yes, sir.

19 Q. First time you ever saw that, right?

20 A. Yes, sir.

21 Q. Before you came in today, obviously you had a
22 chance to speak with Tom, right?

23 A. Yes.

24 Q. Have you had an opportunity to review any
25 documents to help yourself remember things?

1 A. Yes, sir.

2 Q. What basically have you reviewed?

3 A. Just my write-up.

4 Q. Your write-up is what? What does that mean?

5 MR. HELPER: It's a Tom Young document dated
6 October -- the date on it is October 21, '02.

7 MR. GREEN: Give me a second.

8 Q. (By Mr. Green) Did you read over any deposition
9 transcripts?

10 A. No.

11 Q. Did not look over any other reports or complaints
12 that were filed against Mr. Gahr or Mr. Young?

13 A. From the defendants' paperwork?

14 Q. Yes, or people that worked at the airport. Did
15 you look at any reports that were made alleging violations
16 against, for example, Gahr or Young?

17 A. Yes, sir.

18 Q. And when did you look at those?

19 A. A week ago.

20 Q. And you noticed, of course -- I guess I shouldn't
21 say "of course" -- that some of those reports were made
22 months after the alleged event?

23 A. Yes, sir.

24 Q. Did you question anybody about that as to why that
25 was done?

1 A. As explained, our legal -- I was out of the
2 picture from mid December to March 16th.

3 Q. What year?

4 A. 2002 into 2003.

5 Q. Okay. You got to the airport in Maui kind of to
6 work full time -- I apologize, as I get older I forget.
7 About what month was it when you began here after your
8 training?

9 A. April 5th.

10 Q. Of?

11 A. Of '02.

12 Q. And you worked continuously until when?

13 A. December 15th of '02.

14 Q. And then you came back?

15 A. I went out on an accident that I had and stayed
16 out for three months and returned March 16th.

17 Q. Over that period of time, there were people from
18 Wackenhut, and you are going to have to help me with this,
19 when TSA came on board, were there people from Wackenhut
20 that were transferred to TSA?

21 A. Not transferred, no, sir.

22 Q. What would you call what happened to them, if they
23 started working for TSA? How did that work?

24 A. They went through testing, they had to pass the
25 same tests as normal screeners, they went on a selection

1 process, and they were guaranteed by the federal government
2 that if they were incumbents from the contract security
3 workforce, they tested and passed the test, they were
4 assured to have positions within TSA.

5 Q. I see. Did you have information, and I mean
6 personal knowledge, that there were people with Wackenhut
7 that wanted to work for TSA and perhaps there wasn't space
8 or job available?

9 A. Screeners, sir?

10 Q. In any position, screeners, whatever else they do
11 over at the gate when people try to get --

12 A. There was a strict -- there was testing that we
13 had no control over. The incumbents from Wackenhut went
14 through testing. So as far as a list of somebody wanting to
15 work for us from Wackenhut, we continuously told them they
16 have to go on the computer and apply.

17 Q. I understand. What I'm saying is, did you have
18 personal information that there were people that actually
19 were hoping to work for TSA from Wackenhut?

20 A. No.

21 Q. Was the salary the same or different from TSA, if
22 you know, for screeners than it was for when they worked for
23 Wackenhut?

24 A. No idea. That was controlled through
25 headquarters.

1 Q. Over the time you worked at this airport, from
2 time to time, did you hear local people use the word
3 "haole"?

4 A. Yes, sir.

5 MR. HELPER: Let me object to the word "local
6 people" as vague.

7 Q. (By Mr. Green) It is vague. I'll put it a
8 different way because I don't want --

9 A. I heard you use it several times this morning.

10 Q. I have because I'm a haole. I only talk about
11 myself and Tom like that. But would you say that the word
12 "haole" was not used infrequently? In other words, you
13 would hear it perhaps sometimes more than once during the
14 day and certainly a number of times during the week?

15 A. Yes, sir.

16 Q. What were the circumstances that you would hear
17 that?

18 A. Meaning?

19 Q. I mean how the term would be said?

20 A. Just part of speech, not to be taken out of
21 context like you quote it, "fucking haole." I mean, just
22 the word "haole." We refer to all tourists as that:
23 "There's a lot of haoles in the lobby," "There's haoles
24 leaving," "There's haoles lined up at the check point."

25 Q. You grew up here?

1 A. Yes, sir.

2 Q. Have you considered that that word is, to some
3 white people, a derogatory term?

4 A. No, sir.

5 Q. Never considered that?

6 A. No.

7 Q. Of course, there's no doubt in your mind about
8 "fucking haole," right?

9 A. Yes, sir.

10 Q. Can you agree that the word "haole," if it's used
11 in certain context without the word "fucking," can be
12 derogatory to some people? Like, "That damn haole"?

13 MR. HELPER: Objection --

14 Q. (By Mr. Green) What in the hell are these haoles
15 doing?" In your mind, would that be derogatory to you?

16 MR. HELPER: Objection, compound, vague, lacks
17 foundation.

18 Q. (By Mr. Green) You can answer.

19 A. I guess it depends on how it's used.

20 Q. That's right. Even if the word "haole" is used,
21 sometimes it could be not in an offensive way, and depending
22 how it's used it could be offensive, right?

23 A. Yes, sir.

24 Q. We talked about fucking haole. I don't want to
25 belabor this, but have you ever heard Patty Igarashi use

1 that term?

2 A. No, sir.

3 Q. Never did?

4 A. No, sir.

5 Q. Well, you used that, haven't you, fucking haole?

6 A. No, sir.

7 Q. You never used it?

8 A. Right now talking to you, yes, sir.

9 Q. I mean, when you were working over at the airport,
10 over in your office, have you used the word "fucking haole"?

11 A. No, sir.

12 Q. Have you heard Patty use the word "fucking haole"?

13 A. No, sir.

14 Q. Let me read you part of a deposition from

15 Mr. Young. Do you know who Thomas Young is?

16 A. Yes, sir.

17 Q. Who is he?

18 A. He was the screening manager for TSA.

19 Q. Do you know what this lawsuit is about?

20 A. Yes, sir.

21 Q. What's it about?

22 A. The entire lawsuit?

23 Q. What do you think this case is about?

24 A. It's about four or five white males over 40 who

25 claim that they were done wrong by or had been fired because

1 of their ethnicity.

2 Q. I could not have said it better. That's part of
3 my opening statement. And, if you know, this group of males
4 probably never lasted more than three or four weeks on this
5 job. Do you know that to be true?

6 A. Yes, sir.

7 Q. Tom young says, and I have no reason to believe
8 it's untrue, that he worked security for the president of
9 the United States. Did you know that?

10 A. Yes, sir.

11 Q. What did you think -- when did you learn that?
12 Don't tell me if it's your lawyer who told you. I mean, did
13 you learn it at any time while he was -- 30 days before he
14 was fired?

15 A. No, sir.

16 Q. He worked for Air Force One for the FBI and secret
17 service. That's what he says. You have no reason to
18 dispute that, right?

19 A. No, sir.

20 Q. That he, along with others, was given the
21 authority to screen and do security on everyone that went on
22 the president's plane. That's what he says, and you have no
23 reason to dispute that, right?

24 MR. HELPER: Objection, lacks foundation.

25 Q. (By Mr. Green) And you have no reason to dispute

1 that, do you?

2 A. No, sir.

3 Q. That he also checked luggage in people that went
4 into the White House, and you have no reason to dispute
5 that, right?

6 MR. HELPER: If I can just have a running
7 objection as lacking foundation.

8 Q. (By Mr. Green) You can run it as long as you
9 want, Tom.

10 Now, let me tell you what else he says. First of
11 all, he says he worked his entire life for the federal
12 government, and you have no reason to dispute that, right?

13 A. I knew he was U.S. Army retired.

14 Q. Worked in bomb disposal, did you know that?

15 A. Yes.

16 Q. At least on paper it seems like the guy had pretty
17 good credentials before he met the folks out here in
18 security?

19 A. Yes, sir.

20 Q. He says, and I want to make sure I quote him
21 properly. He says that you were his first level supervisor;
22 is that right?

23 A. At the time, yes, sir.

24 Q. Apparently, he applied through the internet and
25 was hired and selected to report to work at the Maui

1 airport. You knew that, right, at some point?

2 A. Yes, sir.

3 Q. Do you know whether the screening that Wackenhut
4 does is the same screening that TSA does, if you know?

5 MR. HELPER: Vague. Passenger screening?

6 Q. (By Mr. Green) Yeah. When I go out there, and I
7 want to get on a plane, I get screened. I go through a
8 metal detector and get wanded.

9 A. Meaning, when we did it with Wackenhut to --

10 Q. Is it the same type of screen that Wackenhut does
11 that TSA employees do, the screeners, if you know? Are they
12 taught the same?

13 A. No.

14 Q. How are they taught differently?

15 A. Change of SOP, standard operating procedures, were
16 changed from contract security companies to TSA employees.
17 There were some changes.

18 Q. And there was a training, was there, given to TSA
19 employees about how to screen or wand people?

20 A. Yes, sir.

21 Q. Are you aware of any procedure that TSA had if
22 someone was written up? In other words, if a complaint was
23 filed against that person, whether they would be told
24 automatically that a complaint had been filed?

25 A. No, sir.

1 Q. You are saying there was no procedure, or you
2 don't know of any?

3 A. I don't know of any. I was not trained as a
4 screener, so I don't know what they were trained in.

5 Q. I'm talking about if someone actually files a
6 complaint of misconduct of any kind, something that would, I
7 guess, go into the personnel file of an employee, that
8 happens, right?

9 A. Now?

10 Q. Yeah. Back when Tom was working --

11 A. No, sir, we had no HR personnel stood up yet. It
12 was basically three people.

13 Q. What does that mean, what you just said?

14 A. We had no personnel or HR office at that time.
15 Everything was being controlled out of Washington, D.C.

16 Q. But if I was to write a complaint about Tom Young
17 saying that he did something wrong, where would that
18 complaint go, if it was in writing, if you know?

19 A. As an employee or passenger?

20 Q. Employee.

21 A. It would probably be routed to the headquarters or
22 through our ombudsman or HR.

23 Q. Is there a file for employees? Was there a file
24 back then like a Tom Young personnel file or your personnel
25 file or something like that?

1 A. No, sir.

2 Q. How would someone know there was a report of
3 misconduct filed against someone unless the person told
4 them, "I just filed a report against you"?

5 MR. HELPER: Objection, overbroad, vague.

6 Q. (By Mr. Green) You can answer.

7 A. I guess when they bring you into the office and
8 tell you that you are being written up for or you're being
9 complained against.

10 Q. Are you aware of any procedure that required
11 anyone to bring you in and tell you?

12 MR. HELPER: Same objection.

13 Q. (By Mr. Green) Go ahead.

14 A. On my side, as an inspector, our level of
15 management, yes. If we're counseled or something goes
16 wrong, we're called in and, for lack of a better term, meet
17 your accuser and have them tell you that this is what you
18 did wrong.

19 Q. Giving you an opportunity to perhaps explain
20 yourself and maybe counsel you not to do it again?

21 A. Yes, sir.

22 Q. Do you know if there was such a procedure in place
23 for TSA employees?

24 A. No.

25 MR. HELPER: Let me object, overbroad, vague,

1 lacks foundation.

2 MR. GREEN: Which part is overbroad?

3 MR. HELPER: You are talking about one policy for
4 all of TSA?

5 MR. GREEN: I'm talking about the people down at
6 the gate. I'm talking about the wanders, screeners, or
7 whatever they call themselves. You know of know of no
8 policy where they are told about a complaint and given an
9 opportunity to confront their accuser?

10 MR. HELPER: Same objection.

11 Q. (By Mr. Green) You don't know anything about
12 that?

13 A. No, sir.

14 Q. If you know, can a complaint against an employee
15 be used as a basis for termination? Only if you know.

16 A. Yes.

17 Q. Basis for discipline?

18 A. Yes.

19 Q. Do you know whether TSA had a system of
20 progressive discipline for the employees?

21 A. Yes.

22 Q. What is the progressive discipline that you aware
23 of?

24 A. There was some termination offenses that was a
25 one-strike-and-you're-out, and then there was a, pretty

1 similar to ours, verbal/written, and then removal.

2 Q. What does that mean, "verbal/written"?

3 A. Verbal counseling first.

4 Q. I see. In other words, they might notify them, if
5 you do this again --

6 A. Right. Cut this out. Then basically it went in
7 writing.

8 Q. What's the one-strike? What are examples of
9 those?

10 A. I'm not for certain. I know for some of the
11 screeners and employees early on there was a code of
12 conduct. Basically, if you failed to screen an item, if you
13 showed up drunk for work, things like that, if you use the
14 x-ray equipment without it being turned on and --

15 Q. How about leaving your table dirty, not cleaning
16 up your table?

17 A. Failure to sterilize, that's not a single --

18 Q. Are managers or supervisors required, if you
19 know -- I'm talking about TSA -- to notify employees of
20 complaints filed against them? Any requirement that you
21 know of?

22 A. I don't know.

23 Q. This is what Mr. Young says, if I can find it. Do
24 you remember the day he reported to work?

25 A. Yes.

1 Q. He says you were there. Do you remember seeing
2 him, was it downstairs where your office is?

3 A. Yes.

4 Q. How many times, that you know of, has Mr. Young
5 been in your office? And I know there's two offices, but
6 how many times has he been in either one of them, if you
7 know?

8 A. No idea.

9 Q. Ever see him in there?

10 A. During his employment, yes, sir.

11 Q. How many times?

12 A. No idea.

13 Q. He says that when he reported to work he went
14 downstairs, or some place, to your office. Do you remember
15 that day?

16 A. He says that he met me in the downstairs office?

17 Q. He said he went down into the office and started
18 to go in. He says he knocked on the door. Let me give you
19 some background to see if it helps you to remember. Started
20 for Wackenhut in October of 2002 when he went to Mr. Leong's
21 office -- I'm sorry, TSA -- went to Mr. Leong's office to
22 meet with him. Do you remember that?

23 A. No, sir.

24 Q. Is Mr. Leong's office different than your office?

25 A. There was one office. It was a mop closet.

1 That's all we had at the time.

2 Q. There were a couple of rooms. Do you remember
3 which one?

4 A. The front there was a primary room and then there
5 was a little closet that we had our computers set up in,
6 yes, sir.

7 Q. He says, and I'm going to his deposition which is
8 page 30 starting at line 14. Actually this is your counsel
9 is asking Mr. Young some questions, and he is giving answers
10 under oath. Follow along with me. He says -- start at line
11 4. This is what he says, and I'm going in the middle of --
12 he's describing the office 20-by-20 in a smaller office to
13 the side that was his. Let me see who the "his" is. He is
14 talking about Mr. Leong's office.

15 "When I knocked on the door, there were probably
16 four people in the outer office. There were about a half a
17 dozen people in his office with him, and I was asked to wait
18 outside. He actually didn't meet me in the office, in his
19 office. He came out and spoke to me in the hallway in the
20 airport."

21 Hold on a second. Here it is. I'm sorry for
22 stopping again. "He came out and spoke to me in the hallway
23 in the airport." That's line 8.

24 Question in line 9. "In the hallway or in his
25 larger -- in this larger of the two rooms you're talking

1 about?" And Mr. Young says, "No, in the hallway of the
2 airport."

3 "Question: So you came into the larger room from
4 the hallway, right?

5 "Answer: I knocked. I knocked on the door from
6 the hallway of the airport of the larger office, yes.

7 "Did you ever go into that larger office?

8 "I stepped in a couple of feet. I was asked to
9 wait outside.

10 "Question: By who?

11 "I'm pretty sure it was Fil Carvalho."

12 Do you remember now that day -- you can stop
13 reading for a moment. Do you remember that day now? Is it
14 coming back to you?

15 A. No, sir.

16 Q. Let's see if I can help you remember some more.

17 "Question: And is this the occasion when you
18 claim to have heard somebody say something about your race?
19 And he says, "I don't claim to. I heard it."

20 "Well, okay. Tell me what happened."

21 He says, "I was asked to stand outside, and they
22 were going to get Mr. Leong to meet with me, and I actually,
23 during that particular incident, I heard two things: I
24 heard a woman's voice -- basic, yeah, it was a woman's voice
25 almost immediately as I stepped back out, I heard a woman's

1 voice say, 'What the fucking? He's a fucking haole.'"

2 He says, "I was a little bit shocked and within a
3 few moments of that I heard a man's voice say, 'I thought he
4 was a local guy.' And, honestly, I didn't know what to think
5 he says at that particular moment."

6 I'm on page 31, line 12. "Now when you looked
7 into this, this larger of the two rooms you said, there were
8 four people in there, approximately four?"

9 He says, "Filbert Carvalho was in there, Patty --
10 I don't remember how to pronounce her last name, but she's
11 also a screening manager who was in there. There was a
12 secretary who from a temporary service that was the
13 secretary for that office, there was probably, in Leong's
14 little office, there was probably five or six people. I
15 believe they were probably from the roll-out team that was
16 there getting everything ready to go from the Wackenhut
17 security to the new TSA screeners."

18 Then if you go and turn to page 32, if you want to
19 turn the page, or you have the condensed copy.

20 The question in line 20, he says, "I'm very much
21 sure it was Patty.

22 "How about the male voice saying, 'I thought he
23 was local' or 'I thought he was from here'?

24 "I'm very sure it was Filbert Carvalho."

25 Did I read that correctly?

1 A. Yes, sir.

2 Q. Were you expecting someone named Tom Young -- you
3 shouldn't read anymore. Were you expecting someone named
4 Tom Young to report to work?

5 A. No.

6 Q. Never knew there was a guy named Tom Young coming?

7 A. No.

8 Q. Had you spoken to him on the telephone?

9 A. No.

10 Q. At any time?

11 A. No.

12 Q. As a local person, I mean that by someone who grew
13 up here, when you hear names, last names, family names,
14 sometimes can you, in your own mind, kind of figure out what
15 the ethnicity is?

16 A. Not anymore, sir.

17 Q. Let's talk about before Tom got fired. You can
18 probably identify Japanese names, right?

19 A. Not really, sir. Not anymore. I know you know
20 what I mean. Not anymore. You can't tag someone's surname
21 to even their ethnicity nowadays.

22 Q. Have you ever heard -- when you see the name
23 Young, have you known it to be sometimes a Chinese name?

24 A. Yes, sir.

25 Q. So now when we talk about the statement, "He's a

1 fucking haole," that he attributes to Patty Igarashi, do you
2 remember that day now?

3 A. As far as her saying it?

4 Q. Oh, absolutely, as far as her saying it.

5 A. No, I don't remember it. No.

6 Q. And, of course, I guess that's something you would
7 remember if you heard it, right?

8 A. Oh, yes, sir.

9 Q. What Mr. Young is swearing to in his deposition I
10 guess is very similar or the same to what other white men
11 have accused this woman of doing to them, yes?

12 A. Yes.

13 Q. Now, did you -- when did you first become aware
14 that Mr. Young was fired -- terminated?

15 A. I was told to do a write-up of some of the things
16 that he did. The day that I walked in on October 31st I
17 believe was the day he was AWOL for duty. I was told to do
18 a time line of some of the counseling that he had had
19 previously. As far as the date of his termination and the
20 issuance, I was not privy to or -- I was not even there
21 when they terminated him.

22 Q. He was a mobile screening part of the MS --

23 A. Absolutely not.

24 Q. He was not?

25 A. No, sir.

1 Q. Was the mobile screening force basically all white
2 males or white individuals?

3 A. No, sir.

4 Q. I want you to take a look at what I'll mark as
5 Plaintiff's Exhibit 1 for identification, October 17, 2002.
6 Let's do that first.

7 (Deposition Exhibit 1 was marked for identification.)
8 What was the ethnic makeup of the MSF, if you can
9 recall?

10 A. There was male, female, black and white.

11 Q. White, are we talking about Caucasian?

12 A. Yes, sir.

13 Q. Male and female Caucasians?

14 A. Yes, sir.

15 Q. And an Afro-American?

16 A. Several.

17 Q. And that group of the Caucasians, would those be
18 people that, if you know, were transferred here or moved
19 here for that position?

20 A. They were not transferred. The mobile screening
21 force was about 20 to 25 people that traveled across the
22 nation and helped the roll-out of airports. They were fully
23 trained screeners that were sent to the airports to keep the
24 airport in operation while we trained our workforce to come
25 in. So they had -- I believe only two of the MSF requested

1 to drop, which means this would become their home.

2 Q. When I asked you earlier about your report
3 writing, do you remember that?

4 A. Yes.

5 Q. One of the things that I asked you, and this is
6 kind of what we call a predicate, a lead-in to this other
7 questions, is that if you became aware of allegations of
8 discrimination or other misconduct, you would not
9 intentionally tell anyone not to record those things in
10 writing?

11 A. No, sir.

12 Q. And when I ask you those questions, it wouldn't
13 just be pertaining to Tom Young, it would be to any
14 employee; is that right?

15 A. Yes, sir.

16 Q. This relates to Mr. Christopher Gahr. Do you
17 remember Mr. Gahr?

18 (Deposition Exhibit 2 was marked for identification.)

19 A. Yes, sir.

20 Q. How do you know him?

21 A. He was an MSF supervisor that came here to help
22 assist with the roll-out.

23 Q. How long did he last?

24 A. A week or two, sir.

25 Q. White male?

1 A. Yes, sir.

2 Q. This is October 17, 2002. It says it's from you,
3 special agent/acting screening manager through Howard
4 Tagamori to Lowery Leong. Do you remember this?

5 A. Yes, sir.

6 Q. Regarding MSF supervisor, Christopher Gahr. When
7 you just look at this for a moment, it says on the second
8 page at the bottom that this statement was prepared by you
9 on October 17, '02. Do you see that?

10 A. Yes, sir.

11 Q. Was this something that when you look at this, the
12 date that it was prepared, did you have some bullet points
13 that you refreshed your memory from an earlier report, or
14 was this report prepared in its entirety on this date? Do
15 you understand the question?

16 A. Yes, sir.

17 Q. Do you know whether you had some notes or some
18 bullet points and then later on, some other day, sat down
19 and prepared this report?

20 A. Yes, sir.

21 Q. What happened?

22 A. Probably out of the manager's log, bullet points,
23 or some notes.

24 Q. Where would the manager's log be?

25 A. At the checkpoint.

1 Q. And so what would be the circumstances that you
2 would have gathered this information to make this report?

3 A. I believe it was a complaint about -- there was a
4 complaint about him opening up the checkpoint, and then
5 there was a run-in that I had with him when I asked him,
6 through the FSD, asked him to relieve a --

7 Q. What does that mean, FSD?

8 A. Federal Security Director Lowery Leong. When the
9 FSD walked by, he saw a screener with her hand bandaged, and
10 she was basically patting down and hand-wandering people. And
11 because of limited use of her hand and no dexterity, no
12 feeling, and the public -- we didn't want the public to
13 think that they are being patted down by somebody who was
14 injured that couldn't feel them --

15 Q. You really lost me with that. You did not want
16 the public --

17 A. If you were going through the airport, sir, and I
18 alarmed, and I had this big bandage on the hand, and you
19 knew I couldn't feel anything, and for security reasons, she
20 had no dexterity in her hands --

21 Q. You know, I heard everything you said, because I
22 know you are speaking English, but I didn't understand any
23 of it. Is there some regulation about that, about having
24 dexterity in both hands?

25 A. You have to be able to pat down and feel an item

1 that --

2 Q. The question I asked is, whether there's some
3 regulation about having dexterity in both hands?

4 A. Yes, sir, fit for duty.

5 Q. Do you have --

6 MR. HELPER: Hang on a second. Let him answer the
7 question.

8 THE WITNESS: Fit for duty.

9 Q. (By Mr. Green) Is there somebody with one arm out
10 there?

11 A. No, sir.

12 Q. You got an employee that is missing an arm from
13 the elbow down, don't you?

14 A. On Maui?

15 Q. Yeah, on Maui. You don't know anything about that
16 guy?

17 A. No.

18 Q. The guy has been written up in magazines. You
19 don't know anything about him, right?

20 A. No, sir.

21 Q. Just talking about this splint, wasn't there an
22 offer that the person would remove the splint when the
23 person was approached? Do you remember that, the offer to
24 take off the splint?

25 A. I think the thing with that was her finger was

1 dislocated, and she didn't have a doctor's letter stating
2 that she could work without it was the problem.

3 Q. Did she say she was willing to work without it?

4 A. I don't recall.

5 Q. No one ever asked her?

6 A. No.

7 Q. Well, no one was picking on Gahr, were they?

8 A. No.

9 Q. Let's see what you wrote. "At approximately 1900
10 hours on October 17, 2002, I was approached by TSA Screener
11 Harlan Russell. He wanted to talk to me about my briefing
12 and how I handled issues regarding discriminatory remarks
13 and management issues."

14 A. Yes, sir.

15 Q. Does that refresh your memory about what
16 Mr. Russell wanted to talk to you about regarding
17 discriminatory remarks?

18 A. Yes, sir.

19 Q. What did he want to talk about?

20 A. There was a group of people that was bothered by
21 Ms. Igarashi's phrase of "my people."

22 Q. Whoa, whoa, let's go slow. Listen, I know you are
23 a bright guy and I want to make sure what you say you need
24 to say and I understand it.

25 There were a group of people that were bothered by

1 Ms. Igarashi's comments about "my people." Let's start with
2 who were the group of people? Do you need -- you're reading
3 this. Do you need to read this to refresh your memory about
4 the group of people?

5 A. Yes, sir.

6 Q. There's nothing in here about any group of people,

7 A. There was no names. There was another write-up
8 that mentions -- this guy is the supervisor, Rusty Harlan,
9 he came to me and said there was some scuttlebutt from
10 different screeners that were bothered by Patty's demeanor
11 and her referring to "my people."

12 Q. Now, the group of people that -- this was Rusty,
13 right?

14 A. Yes.

15 Q. Rusty is -- what's his ethnicity, if you know?

16 A. New Yorker. I don't know his ethnicity. He's a
17 white male from New York.

18 Q. How long had he been out there as of October 17,
19 2002?

20 A. He was on the first roll-out, so he came to the
21 airport day one.

22 Q. So he is talking about a group of -- were you
23 able to distinguish or discern from him who comprised that
24 group that were a little bit unhappy with Ms. Igarashi?

25 A. No.

1 Q. Did you ask?

2 A. I don't recall, sir.

3 Q. I mean, you've been in law enforcement for 22
4 years. I'm trying to figure out if we can identify -- you
5 tried to identify who the people were that were unhappy
6 about this woman?

7 A. I can remember two.

8 Q. What do you know about them?

9 A. The Reinharts (phonetic). They were a married
10 couple.

11 Q. They are from the mainland, are they?

12 A. Yes, sir.

13 Q. Caucasians?

14 A. Yes, sir.

15 Q. Married?

16 A. Yes, sir.

17 Q. What was their job description?

18 A. They were screeners. One was a lead screener, the
19 other one a regular screener.

20 Q. The group means how many, if you know?

21 A. I'm not sure. It was brought to me by Rusty, he's
22 a retired law enforcement officer, and just said that there
23 was some scuttlebutt that some people didn't appreciate the
24 way Patty had spoken with them. Without getting into
25 finding out who they were or names or anything, I just

1 figured we'd come out and say, "There is no black, green,
2 red, white, there's no "my people," there's no Wackenhut.
3 We're all TSA."

4 Q. You see, one of the things that I'm curious about,
5 if you can help me and then we'll take a break in a minute,
6 this is going to go longer than I thought it would, you see
7 when you are assigned out there to do what you do and you
8 have information about potential racial discrimination,
9 don't you report it to someone?

10 A. At that point, it was not racial. It was a
11 comment made of her people, meaning, contract security
12 screeners that were going to come to work once they got
13 trained.

14 Q. When you say that -- I mean, we have people that
15 are disturbed, and you did nothing to find out if it was
16 racially intended, did you? Nothing, right?

17 A. We did not feel--

18 Q. Forget the "we" --

19 A. The whole chain of command including myself --

20 Q. I don't want to talk about "we." Let's talk about
21 Rusty coming to you, and he wants to talk to you about how
22 you handled issues regarding discriminatory remarks and
23 management issues. Do you see that?

24 A. Yes.

25 Q. You wrote the word "discriminatory remarks,"

1 right?

2 A. Yes.

3 Q. I want to know what you did, if anything, to
4 investigate this further?

5 A. I held a briefing. Everybody was okay with me
6 talking to Patty.

7 Q. Go slow. You held a briefing when?

8 A. Immediately.

9 Q. Immediately after talking with --

10 A. Right after that shift.

11 Q. Where was the meeting?

12 A. Right after that shift, right next to the
13 checkpoint like we always had it.

14 Q. Were these people working at the time you had the
15 meeting?

16 A. No, it was after the entire shift.

17 Q. Who was present at the meeting?

18 A. All the screeners.

19 Q. Was Patty there?

20 A. Yes.

21 Q. What was discussed?

22 A. Basically that there is no "my people," there's no
23 Wackenhut, there's no nothing. We're a team, we're rolling
24 out the airport. It's us.

25 Q. Was this discussion before or after the deposition

1 you took where Patty was talking about fucking haoles?

2 MR. HELPER: Objection, assumes facts not in
3 evidence.

4 Q. (By Mr. Green) Excuse me, you have testified that
5 you were deposed on other cases, yes?

6 A. Way after this, sir. This was October. This was
7 during roll-out.

8 Q. The fucking haole with Patty came after this?

9 A. Yes, sir.

10 Q. What was the discrimination that, at least you
11 learned, Rusty believed was going on?

12 A. They felt that Patty was siding more for the
13 incumbent screeners stating that they can screen more
14 people. We push approximately 260 to 280 people per hour
15 through lane. Patty was constantly on the newer employees,
16 white, black, purple, or whatever, that they were not
17 screening fast enough.

18 Q. Go slow. I don't know anybody who is purple, but
19 Patty was on the Caucasian employees from the mainland that
20 came here. That's what she was doing, right?

21 A. She was on anybody.

22 Q. I don't care about anybody. This complaint was a
23 group of white people from the mainland. Those are the
24 people she was on, right?

25 A. I don't see the word "white people" in here,

1 but...

2 Q. But you know the discriminatory remarks, if you
3 know, had to do with this group of people who were nonlocal
4 people, people that came here from the mainland that were
5 brought in, and they were all white or maybe there was one
6 Afro-American, right?

7 A. There were local screeners, too.

8 Q. The one she was making discriminatory remarks
9 about them?

10 A. Discriminatory, meaning, that they felt that a
11 whole working class, the incumbents that were coming in,
12 could screen better than the people that we had.

13 Q. The incumbents --

14 A. That never had experience.

15 Q. Who are the incumbents?

16 A. Have you read any of this stuff?

17 Q. You don't get to ask me questions. Who were the
18 incumbents?

19 A. Wackenhut security screeners there was a contract
20 workforce that's been doing the job for years.

21 Q. Local people?

22 A. Not just locals, sir. There's Caucasians that
23 came over also.

24 Q. We can argue about this phrase. Did you ever
25 write a report regarding the discussions you had with Patty

1 and the other people about local, white, blue, purple, any
2 color you used? Did you write a report about that meeting?

3 MR. HELPER: Other than this?

4 Q. (By Mr. Green) This is no report about this
5 meeting. Did you ever write a report about the meeting?

6 A. The managers. The manager should have wrote the
7 report.

8 Q. Officer, it's a yes-or-no question.

9 A. No.

10 Q. Is there anything you ever wrote about that group
11 of people and what Patty was doing that Rusty felt was
12 discriminatory? Ever write a report about that?

13 MR. HELPER: Other than this? You're not calling
14 this a report?

15 Q. (By Mr. Green) We'll get through -- there ain't a
16 thing about this documenting any discrimination. And you'll
17 see in a moment that he specifically says not to document
18 it. So the question is whether you ever wrote a report?

19 A. No.

20 Q. Okay. Who was there that was a supervisor?

21 A. Rusty Harlan.

22 Q. And he's the one that came to you?

23 A. Yes.

24 Q. So the meeting took about how long?

25 A. Ten, 15 minutes.

1 Q. And I guess everybody was fine, right? Everybody
2 was fine, right? Is that what you are saying?

3 A. I guess, yes, sir.

4 Q. Well, I mean, because you didn't go any further
5 with that, right?

6 A. Nobody went back to Rusty, Rusty didn't have any
7 individuals who complained, there was no reports made by
8 Rusty that an individual felt discriminated against.

9 Q. I'm going to take a wild guess at this, and some
10 of that group who was uncomfortable with "my people," one or
11 more were involved in a lawsuit accusing her of calling them
12 a fucking haole. How does that sound?

13 MR. HELPER: At the time? Objection, vague.

14 Q. (By Mr. Green) After. After this Rusty coming to
15 you, one or more of those people in the group that did not
16 like the "my people" stuff wound up suing TSA, including
17 Patty, because she called them a fucking haole, and that's
18 true; isn't it?

19 A. I'm not sure.

20 Q. Well, maybe, right?

21 A. Maybe.

22 Q. Because those are some of the names you can't
23 remember in the depositions you gave, right?

24 A. That was just one name that I could not remember,
25 sir.

1 Q. Now, let's think about the group you spoke to.
2 When Rusty came to you, can you think of any of those people
3 that filed a lawsuit against TSA and others because, aside
4 from "my people," she called them fucking haoles? Is it
5 coming back now?

6 MR. HELPER: You're talking about aside from the
7 plaintiffs in this case?

8 MR. GREEN: I'm not talking about this case.

9 MR. HELPER: Your previous question did not --

10 Q. (By Mr. Green) I'm talking about October 17, 2002
11 and Rusty in the group. Some of those people wound up suing
12 because she called them a fucking haole, right?

13 MR. HELPER: Objection, lacks foundation.

14 Q. (By Mr. Green) Isn't that true?

15 A. I'm not sure.

16 Q. Okay. Maybe yes, maybe no. Let's see what else
17 you wrote. "He felt my concerns were in good faith and he
18 was satisfied." I guess that's Rusty you are talking about?

19 A. Yes, sir.

20 Q. "I had asked the screeners to confide in the
21 administration and allow time for correction within the
22 management team." What did that mean?

23 A. That we would basically counsel Patty on her
24 management styles and some of the phrases that she used.

25 Q. When did you do that?

1 A. Immediately.

2 Q. Where was she counseled?

3 A. Downstairs.

4 Q. By who?

5 A. Lowery Leong.

6 Q. Who else was present?

7 A. I believe, I'm not sure, Howard Tagamori.

8 Q. We're talking about October 17, 2002, right?

9 A. Uhm-hm.

10 Q. She was counseled, you tell me, about the same
11 day, right?

12 A. Yes, sir.

13 Q. So I'm going to guess that people you said were
14 there, if I look at the records, they were working that day,
15 right?

16 A. Yes, sir.

17 Q. And tell me what was said in the counseling?

18 MR. HELPER: Objection, lacks foundation.

19 MR. GREEN: What's the foundation? He said there
20 was counseling.

21 MR. HELPER: You have not established that he was
22 there.

23 MR. GREEN: He said he was there. You missed it.

24 MR. HELPER: No, he didn't.

25 Q. (By Mr. Green) Did you say you were there or not?

1 A. No, sir.

2 Q. You didn't say you were there for the counseling?

3 A. No.

4 Q. So how do you know she was counseled?

5 A. She was pulled in the office with Howard and

6 Lowery Leong.

7 Q. How do you know that she was counseled?

8 A. Because Lowery told me that the shit ends now, and
9 I'm going to talk to her about it.

10 Q. Tell me what he told you. What shit ends now?

11 A. Just the reference to "my people," Wackenhut, and
12 she was counseled not to -- basically to stop saying it.

13 Q. Stop being a racist basically, right?

14 MR. HELPER: Objection, misstates the witness's
15 testimony.

16 Q. (By Mr. Green) Was that the inference that you
17 got "the shit stops now" --

18 A. No, sir.

19 Q. -- that she was being counseled for --

20 A. It was not racial, sir.

21 Q. Well, I'm only going by what your supervisor said,
22 discriminatory remarks.

23 A. Nothing to do with race, sir.

24 Q. You want to say that the discriminatory remarks --
25 listen, you can say it all you want. I don't care. You want

1 to say that discriminatory remarks has nothing to do with
2 racial? Is that what you want to say?

3 A. The way that it was brought to me as
4 discriminating that she was saying that the workforce we had
5 was nowhere compared to the workforce we had several days
6 before.

7 Q. I think I'm working on the word "my people" as
8 being the discriminatory remark. And that's what you
9 considered to be a discriminatory remark, right?

10 A. Yes, sir.

11 Q. So Leong says, "The shit stops now," and whatever
12 he said to her he said to her, right?

13 A. Yes, sir.

14 Q. Did any of the group that you counseled ever say,
15 At or around October 17th, she called me a fucking haole?

16 A. No, sir.

17 Q. That they heard her calling other white people
18 fucking haoles?

19 A. No, sir.

20 Q. So if she did call people fucking haoles, it must
21 have been after she was counseled, right?

22 MR. HELPER: Objection, calls for speculation.

23 Q. (By Mr. Green) Right?

24 A. Nobody ever came to me and said, "Patty called me
25 a fucking haole."

1 Q. Well, let's see what else you wrote. "I had also
2 asked for time and understanding as I would address these
3 issues and felt documentation was not warranted." Why was
4 that?

5 A. Basically because nobody came up and said, "The
6 reason that we feel discriminated against is because Patty
7 said this." It was just that they said that she was riding
8 us saying, "Wait until my people come back. They can screen
9 better than you guys, they're better than you guys, they've
10 been doing it longer than you guys."

11 Q. Mr. Carvalho, you're a better man than that. And
12 I'm going to ask you again, and if you want to take your
13 time, you got Harlan Russell, who is a supervisor, who is
14 talking about how you handled issues regarding
15 discriminatory remarks and management issues, and you decide
16 not to document what he said to you or the meaning, right?

17 MR. HELPER: Objection, misstates the witness's
18 testimony and it's also argumentative, that better man than
19 that statement.

20 Q. (By Mr. Green) That was a compliment. You decide
21 not to write down anything about what your conversation was
22 with Patty in that group, right? That's your decision,
23 wasn't it?

24 A. Yes, sir.

25 Q. After this briefing, Christopher Gahr solicited

1 the screeners on the evening shift to document these actions
2 and give them to him. Now, what did that mean? What was he
3 asking them to document?

4 The record should show that he is reading the
5 report.

6 A. On our choice for us to handle certain issues
7 internally. He felt that a lot of the issues should have
8 been, I guess, escalated or --

9 Q. He believes that the issue should have been
10 documented, right? That's what it says. He wanted --

11 A. It's not just the issue of discrimination. There
12 was a lot of other things.

13 Q. When you say "just," that just includes
14 discrimination to me, but it says that he went on to tell
15 the screeners on the evening shift to document these actions
16 and give them to him. He went on to tell the screeners that
17 he was keeping it for his files, in case he needed them
18 later. These actions bothered Harlan, Russell as he felt it
19 was an act of disloyalty with regard to my earlier briefing.

20 Tell me about that, what you know about that, what
21 Harlan, Russell told you about he thought it was an act of
22 disloyalty by Mr. Gahr.

23 A. Our supervisors felt like they could handle things
24 in-house. Certain things needed to be corrected instead of
25 going outside, I guess, and he felt that they could handle

1 it without -- Chris Gahr was an MSF supervisor. He came in,
2 these guys had already been on the ground for a while, they
3 had rapport with each other, Chris comes in with a black
4 book wanting to document stuff.

5 Q. What it sounds like to me, and just correct me,
6 you know, you guys want to keep this in-house so there's no
7 reports in anyone's files. That's what that means, right?

8 A. Keep what in-house?

9 Q. You said you wanted to keep it in-house.

10 A. We want to solve the problem. No sense in airing
11 out laundry if we can clean it.

12 Q. What does that mean "airing out laundry"? Like,
13 putting it in writing?

14 A. If we can correct something locally, something
15 that a supervisor can handle through counseling, that's what
16 we meant. If it's something we can cure here without going
17 escalating to --

18 Q. To what?

19 A. To Washington or to whoever.

20 Q. If someone feels that they were racially
21 discriminated against, do they have the right to have
22 someone put it in writing and have somebody take a look at
23 it outside the house?

24 A. Yes.

25 Q. You guys wanted to keep it in-house, right?

1 MR. HELPER: Objection to the word "it" as vague.

2 Q. (By Mr. Green) I'm talking about any
3 discriminatory remark and anything Gahr wanted in writing,
4 you guys didn't want anything in writing. And as you said,
5 you wanted to keep it in-house, that's true; isn't it?

6 A. A lot of these things don't refer to racial.
7 Discriminatory, meaning, via the workforce. You can go and
8 look at my workforce right now or Lowery's workforce --

9 Q. When you say a lot of the things don't refer to
10 racial, if one percent does, you want to keep that in-house,
11 at least you did on October 17, 2002, right? You're looking
12 at page 2, I'm not even close to page 2 yet. You wanted to
13 keep it in-house, right? That's what you said.

14 MR. HELPER: Objection, misstates the evidence
15 about racial.

16 Q. (By Mr. Green) You wanted to keep the whole thing
17 in-house, right? Please answer the question.

18 A. We wanted to keep what the supervisors could
19 handle -- the good supervisors could handle.

20 Q. And not put it in writing and maybe send it to
21 Washington, right?

22 A. If we can handle it locally, yes.

23 Q. Good. Okay. So apparently Harlan, Russell
24 confirmed that Chris Gahr had solicited statements from a
25 group of screeners; that's what he told you, right?

1 A. Yes.

2 Q. And he wants something in writing, Chris Gahr,
3 doesn't he?

4 MR. HELPER: Objection, calls for speculation.

5 Q. (By Mr. Green) That's what it says, he solicited
6 statements. He wanted something in writing, right?

7 MR. HELPER: Calls for speculation.

8 Q. (By Mr. Green) Do you know one way or the other?
9 You keep reading; that's why we're not getting anywhere. Do
10 you remember that's what Chris wanted something in writing?

11 A. I'm reading what you are reading.

12 Q. Fair enough. Did he want something in writing, is
13 that your memory, when you made this report?

14 A. Yeah, he wanted --

15 MR. HELPER: Objection, calls for speculation.

16 Q. (By Mr. Green) Just answer the question.

17 A. He was black booking everything, sir. Yes, he
18 wanted something in writing.

19 Q. What does that mean?

20 A. He wrote down everything. Everything we did.

21 Q. That was not the local way, was it right?

22 A. As far as?

23 Q. You got a bunch of guys out here, men and women
24 that either grew up here or working here, no sense making
25 waves, we can handle this thing amongst each other, no sense

1 getting people in trouble. That's really what it's about,
2 right? Right?

3 A. No. Like I said, if we could handle it at a local
4 level, that's what we wanted to do. Our supervisors handled
5 it.

6 Q. That appears not to have been Mr. Gahr's style.
7 This guy is writing down everything, and it looks like he is
8 going to go out of state to Washington to report all kinds
9 of people. At least that's the sense of this black book,
10 right?

11 A. Yes.

12 Q. "At 1935 hours after interviewing Harlan, Russell,
13 I went to the checkpoint. I observed Greenisen, Theresa
14 performing her duties with a bandaged left hand. I relieved
15 her of her post as I found that she had two dislocated
16 fingers. The bandage and splints along with medical tape on
17 the left ring and middle finger did not allow for movement
18 or dexterity. I brought this to the attention of Gahr,
19 Christopher, MSF/SPV, who then became very challenging and
20 insubordinate."

21 What was the challenging and insubordination?

22 A. He refused to replace her. He says, I'll take the
23 bandage off of her hand, dah, dah, dah, she can stay here.

24 Q. I got no idea what the "dah, dah, dah" means.

25 A. He said, "Just leave her in place. It's okay."

1 We wanted a doctor's letter. Why was her hand dislocated?
2 Did she do it at work? Was it off site? What happened --

3 Q. He says --

4 MR. HELPER: Let him finish.

5 Q. (By Mr. Green) I'm sorry, go ahead. Are you done
6 with the answer?

7 A. I guess so.

8 Q. He wants to take off the bandage --

9 MR. HELPER: Hang on. Don't let him cut you off.
10 If you have more to say, finish it. If he cuts your off,
11 raise your hand.

12 Q. (By Mr. Green) So if he says she's willing to take
13 off the bandage and she can work, you said, no, let's remove
14 her, and we've got to get a doctor's note or something like
15 that, right?

16 A. There was a statement called "fitness for duty"
17 when you came in to work. If you had any injury that
18 hampered you from -- we need to know when it was done. Was
19 it done when you were working? Was it done outside and you
20 weren't able to perform your duties? We had nothing on her.

21 Q. I got you.

22 A. So I wanted her off the site. I wanted to know
23 why, and he wouldn't hear of it. I said, "Listen, she needs
24 a doctor's note to return to work. She can't just take it
25 off, now that we know the injury was there.

1 Q. Did you report this in a writing that went into
2 Mr. Gahr's file, the fact that he had somebody there with a
3 bandaged left hand and dislocated fingers?

4 A. And that he refused to remove her? I believe so,
5 yes, sir.

6 Q. And I want to know, did you put anything in
7 Patty's files regarding discriminatory remarks ever?

8 A. I'm not sure if any of the other managers did, but
9 I believe she does have something in --

10 Q. You just lost me. You're too good of an officer.
11 Didn't you understand the question?

12 A. I didn't --

13 Q. Read it back, please.

14 A. I didn't, no.

15 Q. Let's take a break.

16 (A recess was taken.)

17 Q. (By Mr. Green) Let's go back to Exhibit 1 and I
18 just want to go down to the last paragraph on page 1 of your
19 report. "Christopher Gahr asked to speak with me at 2115
20 hours regarding security issues." Did that happen?

21 A. Yes, sir.

22 Q. "I had him relieved by another MSF supervisor and
23 asked him to meet me in the TSA office." Did that happen?

24 A. Yes, sir.

25 Q. Who was present besides you and Gahr?

1 A. I believe just him and I, sir.

2 Q. If I'm correct, we went over -- Mr. Gahr, his
3 position at TSA was a screener?

4 A. Screening -- he was a mobile security team
5 supervisor.

6 Q. And he apparently had been trained in screening?

7 A. Yes, sir.

8 Q. And what was your training in screening?

9 A. None.

10 Q. And you were the one that went up to this person
11 with the bandaged hand, and you had concerns as to whether
12 she could screen effectively?

13 A. According to the SOP, yes, sir.

14 Q. He thought and you thought she could not?

15 A. Yes, sir.

16 Q. You had no experience in screening and he did?

17 A. Yes, sir.

18 Q. When we look at this last paragraph, "Gahr
19 admitted to soliciting the screeners for statements and
20 began to challenge the administrations choice to handle
21 these issues internally." Did I read that correctly?

22 A. Yes, sir.

23 Q. Apparently he wanted something done other than
24 simply talking to people, he wanted documented. Do you
25 remember that?

1 A. Yes, sir.

2 Q. You told him that his job was to supervise the
3 screeners and their training and let the management deal
4 with these issues, yes?

5 A. Yes.

6 Q. And the issues that I guess you were talking
7 about, at least part of it, was to handle things internally,
8 yes, if you could?

9 A. Yes, sir.

10 Q. Did you ever tell any screener, or anyone working
11 for TSA, if they started calling Washington or recording
12 things you would have them terminated?

13 A. No, sir.

14 Q. You would remember if you said that?

15 A. Absolutely.

16 Q. I'm going to ask that this be marked as
17 Plaintiff's Exhibit 2 for identification, which is an
18 excerpt of the sworn deposition of Charles P. Turner. If we
19 can do this later, you can copy it. We'll mark page 66 and
20 67. Do you know Mr. Turner?

21 A. Briefly, yes, sir.

22 Q. How do you know him?

23 A. He was also a TSA screener Kahului airport.

24 Q. He was trained where?

25 A. Honolulu.

1 Q. What's his ethnic background?

2 A. White male.

3 Q. White male. How long did he work at the airport,
4 do you know?

5 A. I don't know.

6 Q. Was he fired?

7 A. I believe so, yes, sir.

8 Q. Do you know of any reason he does not like you?

9 A. No, sir.

10 Q. Any reason that he would say something under oath
11 about you that would be false? Any reason you would know of
12 that he would perjure himself just to get you?

13 A. Other than to build himself a case, no.

14 Q. He says, and I'll read you from page 66, line 8.

15 MR. HELPER: Can I show it to him?

16 Q. (By Mr. Green) Sure. He is being asked, "Did you
17 report this incident to anyone?

18 "Answer: Yes.

19 "Who to? -- Hold on a second. Let me see if I
20 can put you in context. Let's go to page 63 for a moment.
21 Here's what he says, starting at line 6.

22 "How many times did you observe or did you hear
23 Ms. Igarashi say fucking haoles in any context?

24 His answer is: "The problem I run into was it was
25 quite frequent as she would say it, depending on whether

1 she's giving discipline to someone or whether she's upset
2 about something. Okay. I heard that -- I heard it may be
3 a total of 10 times while I was there at the airport."

4 Did I read that correctly?

5 A. Yes, sir.

6 Q. Of course, based on information you have as of
7 today, based on complaints by others, including people in
8 this lawsuit, she apparently, Ms. Igarashi, used that term
9 "fucking haoles" a number of times, yes?

10 MR. HELPER: Objection, assumes facts not in
11 evidence.

12 Q. (By Mr. Green) Yes, based on the cases you've
13 taken depositions at and this case?

14 A. Can you reask the question?

15 Q. Yes. Can you read that back?

16 (The record was read.)

17 MR. HELPER: Same objection, plus lacks
18 foundation.

19 Q. (By Mr. Green) You can answer the question.

20 A. According to the defendants, yes.

21 Q. The plaintiffs.

22 A. Plaintiffs.

23 Q. Yeah. Let's go back to page 66. This is dealing
24 with Ms. Igarashi.

25 "Did you report this incident to anyone?

1 "Answer: Yes."

2 And these are the answers that were given by
3 Mr. Turner.

4 "Who to?

5 "Answer: The 800 number that I had to
6 Washington."

7 Let me stop there for a moment. If you would stop
8 reading for a moment, Mr. Carvalho. Did there come a time
9 that you were aware that certain Caucasian employees were
10 calling the 1 800 number in Washington and reporting
11 discrimination that they were experiencing or other matters
12 to people in Washington?

13 A. I heard.

14 Q. Who did you hear it from?

15 A. Lowery Leong.

16 Q. Do you remember about when it was that you heard
17 this?

18 A. No, sir. It was sometime during the roll-out.

19 Q. Where was the conversation with Mr. Leong?

20 A. Lowery had called me and told me that some people
21 had called the ombudsman.

22 Q. Why would he tell you that, if you know?

23 A. Basically, there was a complaint against Patty
24 Igarashi.

25 Q. Did he say you need to handle this stuff?

1 A. No, just to let me know that there was something
2 going on in the workforce and that Patty's name was
3 mentioned.

4 Q. Did he tell you Mr. Leong get those people to stop
5 calling Washington?

6 A. No, sir.

7 Q. The answer on page 66, line 11, "The 800 number
8 that I had to Washington.

9 "Question: And who -- what was your understanding
10 as to what that 800 number --

11 Then he interrupts and answers: "That was for
12 human resource issues and policy issues and that it would be
13 investigated by Washington, is what my understanding was
14 when I was talking to the people, that they would refer it
15 to someone.

16 "Question: And did you ever -- anybody ever
17 follow up with you on that?

18 "Answer: No, never. Not on any of the phone calls
19 that we made to Washington. The only follow-up that we had
20 because of our phone calls to Washington was when we were
21 all taken into the TSA office, our entire shift, we were
22 told by Patti Igarashi and the guy who was supposedly the
23 special agent in charge of the TSA working for Leong, and --

24 "Mr. Carvalho?

25 "That's him. Okay. Phillippe or whatever his

1 first name is, I guess.

2 We were told by them that they knew we were
3 calling Washington and we were told specifically by him that
4 if he ever caught us calling Washington, if he found who it
5 was, that he would terminate us and take care of."

6 Did I read that correctly?

7 A. Yes, sir.

8 Q. You have no memory of this happening?

9 A. That's because it didn't happen, sir.

10 Q. This is a false statement under oath, right?

11 A. I didn't say any of this.

12 Q. Was it ever said in front of you by anyone else?

13 A. No, sir.

14 Q. Never heard it?

15 A. No.

16 Q. Never heard Patty Igarashi, I guess, ever say
17 "fucking haole" to anybody, right?

18 A. No, sir.

19 Q. Give me the October 18, '02 letter, the Chris Gahr
20 letter.

21 Do you know when Chris Gahr was terminated?

22 A. Not the exact date.

23 Q. On October 25, '02 is the date we have, and it may
24 or may not be correct, yes?

25 A. Yes.

1 Q. Mark that as the next, please.

2 A. He wasn't terminated locally by Kahului airport.
3 He went to Oakland and Oakland airport issued his
4 termination.

5 (Deposition Exhibit 3 was marked for identification.)

6 Q. Do you remember getting a copy of this?

7 A. Yes, sir.

8 Q. Handwritten to -- dated October 18, 2002 to you
9 from Ms. Igarashi regarding MSF - Chris Gahr. Did you
10 receive it on or about October 18, 2002, if you know?

11 A. I'm not sure.

12 Q. Was this maintained in the files of TSA, if you
13 know? What I mean is, you don't throw these things out when
14 you get them?

15 A. No, sir.

16 Q. You file them, don't you?

17 A. Yes.

18 Q. This is on the 18th, she reports, "On October
19 16th, noticed Chris going through" -- what does that say,
20 girls?

21 MS. HEVICON: "Our in files."

22 Q. (By Mr. Green) "Our in files and binders. When
23 asked what he was looking for he mentioned that he was
24 familiarizing himself."

25 Did I read that correctly?

1 A. Yes, sir.

2 Q. "As I read through" -- what does it say?

3 MS. KAGAWA: "Newly issued."

4 Q. (By Mr. Green) "SOP/SD/EA he wanted to use the
5 desk area to do some paperwork. I took binder and excused
6 myself outside."

7 When you read that, did you believe what she was
8 talking about of wanting to use the desk to be a complaint
9 about him -- the paragraph I just read to you?

10 A. Has there been a complaint?

11 Q. Yeah, that he wanted to use the desk for
12 paperwork, and she just excused herself. She walked
13 outside. Did you consider that to be a complaint she was
14 making against him about having to leave that area and go
15 outside?

16 A. No.

17 Q. "Upon his de-briefing of the PM shift, he spoke
18 about keeping a clean checkpoint. He did not want to see
19 drinks or water bottles all over." What does that say under
20 what, girls?

21 A. Cubicle.

22 Q. "And the cubicle should be clean from items that
23 are visible from the outside."

24 Did I read that correctly?

25 A. Yes.

1 Q. Is there some regulation about keeping those
2 checkpoints clean and keeping drinks or water bottles out
3 from plain view? You're still reading.

4 A. Just open coffee cups or water bottles from the
5 employees, yes, sir, in case they spill and desanitize the
6 search tables.

7 Q. Seems reasonable to want to keep the area clean?

8 A. Yes.

9 Q. And she mentions this, for some reason, in her
10 letter to you. Incidentally, did you speak to her
11 personally after you got this letter?

12 A. About the letter?

13 Q. About the letter.

14 A. I'm not sure, sir.

15 Q. You don't remember?

16 A. No.

17 Q. Is there any report in your file about meeting
18 with her or speaking to her about this letter?

19 A. No, sir.

20 Q. "I do not make any mention at that time, I just"

21 MR. HELPER: I felt.

22 Q. (By Mr. Green) I'm sorry. Where are you reading
23 from? "I felt it would have been inappropriate in front of
24 the screeners."

25 Do you have any idea what she's talking about?

1 A. No, sir, I'm trying to -- is this a report from
2 her, or did this come out of the manager's log?

3 Q. It's a letter that we were given by your lawyers
4 from --

5 A. Is that from the manager's log?

6 Q. The personnel file.

7 A. Oh, okay, from the personal file.

8 Q. It's regarding Chris Gahr. Did you know what she
9 meant by that?

10 A. No, sir.

11 Q. What would be inappropriate in front of the
12 screeners. But keeping an area clean, you don't know what
13 she meant by that?

14 A. No, sir.

15 Q. Sounds like he was doing what he was supposed to
16 be doing, right, at least in this paragraph?

17 A. No, as in not understanding why it would be
18 inappropriate.

19 Q. Turn to page 2 of the letter, paragraph 3 starting
20 with, "Feeling uncomfortable, I cleaned up checkpoint
21 cubicle area and waited outside."

22 Do you have an understanding as to why she would
23 be uncomfortable about cleaning up the checkpoint area?

24 MR. HELPER: I think that's taking this out of
25 context without looking at the previous paragraphs.

1 Q. (By Mr. Green) Well, it only refers to the
2 cleaning up the cubicle of what I read. I'm just following
3 up on it. "He went on to mention that" -- what does that
4 say? "that as an assistant checkpoint manager, this is how
5 we will be working."

6 Did I read that correctly?

7 A. Where are you at, sir?

8 Q. Paragraph 3 on page 2, it starts with "Feeling
9 uncomfortable."

10 Did I read that correctly?

11 A. He was not an assistant checkpoint manager. I'm
12 just trying to see --

13 Q. Well, a lot of stuff I read from her I can't
14 understand; but, anyway, she called him --

15 A. Seems like that's what he quoted. That's what I'm
16 trying to get.

17 Q. But I read it correctly, right?

18 A. Yes, sir.

19 Q. The next paragraph, "I was given a day off on
20 October 17, upon my return on October 18 we discussed a few
21 concerns. I can discuss and go back to work, however, he
22 wanted to show me that he did not go through our files and
23 showed my some water bottles which were bothering him. He
24 felt they were safety items. Bottles were on floor in
25 cubicle against the wall."

1 Did I read that correct?

2 A. Yes.

3 Q. Those bottles should not have been there, if, in
4 fact, they were?

5 A. I don't know.

6 Q. Well, the next paragraph, the last paragraph on
7 the page, "As I was observing the checkpoint operation, he
8 walked over and wanted to discuss that I had circumvented
9 security or breached security and I used the carded door."

10 What is a carded door?

11 A. There's a door on the side of the checkpoint, it's
12 behind the checkpoint, that is given to employees who have
13 undergone a 10-year background check. You can swipe it
14 through and enter the airport facility.

15 Q. Should she have used the carded door?

16 A. Yes.

17 Q. Was it okay for him to do that?

18 A. No, he was not issued an AOA badge.

19 Q. "He said that I should be walking through the" --
20 what does that say?

21 A. WTMD.

22 Q. What is that?

23 A. Walk-through metal detector.

24 Q. -- "WTMD each time I entered the checkpoint. He
25 stated that it was in the SOP. Informed Fil was in

1 checkpoint and we could discuss with him. We went over to
2 the TSA office and cleared up by your conversation."

3 Did I read that correctly?

4 A. Yes, sir.

5 Q. Do you have some understanding why she is writing
6 you this letter? Why she did it?

7 A. It seems just like things that she had run-ins
8 with Chris Gahr on him challenging her about keeping the
9 area clean, him challenging her about using her AOA badge to
10 enter the facilities.

11 Q. This is something that is documented, right? It's
12 something in writing, a complaint basically, and documenting
13 things, right?

14 A. Yes, sir.

15 Q. Something that obviously went into Chris Gahr's
16 file, right?

17 MR. HELPER: Objection, calls for speculation.

18 Q. (By Mr. Green) What did you do when you got this?

19 A. I probably handed it to Mr. Leong.

20 Q. That's the last you saw of it until probably
21 today?

22 A. Yes. I think this was actually wrote in a log
23 book, as like they do in the manager's minutes, what happens
24 during each shift. And this is probably something given to
25 me to let me know this is what happened in my last couple of

1 shifts.

2 Q. The manager's log book, have you ever seen
3 anything to you, Fil Carvalho, that's logged into that book?

4 A. During the roll-out, sometimes, yes. They flag it
5 to me, the next guy coming in. Like, if I was the next guy
6 coming in, it would be to me. So I would pick it up and see
7 where they left off, if there was anything.

8 Q. Why would you get a letter like this?

9 A. I don't recall getting this letter, sir. I'm
10 sorry, I don't.

11 Q. Do you remember getting anything else like this
12 from the same woman about any other employees?

13 A. Yes.

14 Q. What other employees?

15 A. The Reinharts.

16 Q. The Caucasian couple we talked about?

17 A. Yes, sir. I'm not sure if it's the male or the
18 female, but one time she had handwritten some documentation
19 on some issues that she had with one of the screeners.

20 Q. You are talking about "she," you are talking about
21 Patty Igarashi?

22 A. Yes, sir.

23 Q. Do you remember, if you can summarize, the issues
24 she had with one or more of the Reinharts?

25 A. Just challenging authority, asking them to be

1 assigned in a certain area and having to explain herself. I
2 don't know exactly.

3 Q. Did you ever hear any conversation in front of
4 you, whether you were a part of it or not, that "no fucking
5 white guys are going to take our jobs at the airport"?

6 A. No, sir.

7 Q. Never heard anything like that?

8 A. No, sir.

9 Q. You would remember if you heard something like
10 that?

11 A. Yes, sir.

12 Q. You would be offended by that, would you?

13 A. Yes, sir.

14 Q. TSA counseling record October 19th.

15 A. Were you done with this one?

16 Q. Pat Collins, he's a white male, is he not?

17 A. Yes, sir.

18 Q. Tell me the chain of command that was out there.

19 In other words, going from Tagamori or Leong?

20 A. During the roll-out, we initially started out with
21 three people: myself, Bill Pursley, who was the
22 stakeholder, and Lowery Leong.

23 Q. When did that roll-out start?

24 A. October 6th.

25 Q. Two thousand and what?

1 A. Two.

2 Q. Tell me about that.

3 A. We rolled out that night, chain of command.

4 Basically, we brought over Pat that night, the night we
5 rolled out, and he was from Wackenhut. He was the manager.

6 Patty Igarashi was the other manager who came over from
7 Wackenhut. Howard Tagamori started the day of the roll-out,
8 but I stood in the back with Lowery observing the operation.
9 The first day of work we were rolling out and screening.

10 Basically, the chain of command went through -- I was
11 online with the managers. I was actually assisting the
12 managers and the MSF coordination logistics with the
13 roll-out teams, and then up the line to Howard then to
14 Lowery Leong.

15 Q. And the chain of command is who?

16 A. It would be the managers. At that time it would
17 have been Howard Tagamori then Lowery Leong.

18 Q. When was the first time you were aware that there
19 was a civil rights complaint that was filed in this case by
20 Thomas Young?

21 A. I believe January or February of '03.

22 Q. Mark this as the next, please.

23 (Deposition Exhibit 4 was marked for identification.) 4?

24 Do you see a copy of this before today?

25 A. No, sir.

1 Q. This is a copy of Mr. Young's civil rights
2 complaint with attachments. Number 7 is the date on which
3 most recent alleged discrimination occurred, and he has
4 written in handwritten words the 13th of November 2002. Do
5 you see that?

6 A. Yes, sir.

7 Q. And then if you turn the page, he talks about an
8 attached letter, and the attached letter signed by
9 Mr. Young, at least purportedly, is dated March 15, 2003.
10 This is the officer civil rights to Ms. Wilson thanking her
11 for her letter dated February 25, '03 responding to my
12 letter of complaint.

13 He goes through some of the complaints or
14 allegations, and he is responding to specific complaints
15 that were apparently made against him by perhaps you and
16 others.

17 Number 1, "The FSD, DFSD, and a Screening Manager
18 harassed me because I am not a 'local' person."

19 What is the FSD and DFSD?

20 A. FSD is Federal Security Director and DFSD is
21 Deputy Federal Security Director. But that's wrong. It
22 would have been the AFSD, the assistant.

23 Q. Who would those people be?

24 A. Howard Tagamori and Lowery Leong.

25 Q. Who was who?

1 A. The FSD would be Lowery Leong, and the AFSD, at
2 that time, was Howard Tagamori.

3 Q. He says I'm not a local person. "Local meaning of
4 Islander, Asian, or mixed Island/Asian/White heritage. The
5 nature of the harassment was verbal and constituted vulgar
6 and demeaning language. The Screening Manager called me a
7 'haouli' (a derogatory term for Caucasians) on numerous
8 occasions."

9 A. That's wrong.

10 Q. What's wrong?

11 A. The definition for haole.

12 Q. Excuse me, how do you know that?

13 A. Because haole means white without breath, which
14 was the original meaning for haole.

15 Q. It depends on how it's used, doesn't it?

16 A. Okay.

17 Q. Right? Is that right?

18 A. There is no definition in any dictionary that says
19 it's derogatory.

20 Q. Certain people, depending on how the word is
21 used --

22 A. Interpretation, sir.

23 MR. HELPER: Let him ask the question.

24 Q. (By Mr. Green) We can't talk over each other.

25 You can sit there all day and tell me what it says in the

1 dictionary about haole, but people can use the word "haole"
2 in a derogatory way, can they not?

3 A. No, sir.

4 Q. As far as you are concerned --

5 A. My concern --

6 Q. -- you want to say, under no circumstances can the
7 word "haole" be used in a derogatory way?

8 A. As far as I was taught, my local upbringing, and
9 me being Hawaiian, yes, sir. The word "haole" was taken out
10 of context by white people.

11 Q. Let me ask you, all white people?

12 A. Not all white people.

13 Q. You just said "white people." Which white
14 people --

15 A. If doesn't need to be all.

16 Q. Which white people take it out of context and
17 which ones don't, according to you?

18 A. When they feel like they are different. It's
19 haole -- we can go at this all day long. There's groups
20 and factions of Hawaiians that fight with this, it's spelled
21 wrong.

22 Q. In other words, if you are working down at TSA and
23 you hear Igarashi or any other nonwhite person say, "Hey,
24 haole, do this or do that," as far as you are concerned,
25 that's not derogatory?

1 A. No, sir, that's not what I said.

2 Q. I'm asking the question.

3 A. Here, in reference to this document, it shows a
4 definition stating that haole, misspelled haole, a
5 derogatory term for Caucasians. He misrepresented what the
6 word means. Nothing of what I said or hear at work or
7 otherwise in this document is misrepresented.

8 Q. You can say that, but you see this is what
9 Mr. Young is saying about the nature of the harassment was
10 verbal and constituted vulgar and demeaning language. She
11 would call me "haouli." Do you see that?

12 A. Yes, sir.

13 Q. Were you there when she said it to him?

14 A. No.

15 Q. Do you know the context in which she said it?

16 A. No, sir.

17 Q. Do you know the tone of voice she used when she
18 said it?

19 A. That's not what I'm debating.

20 Q. No, there is no debate. You don't know the tone
21 that she used it, do you, right?

22 MR. HELPER: Just answer the question.

23 THE WITNESS: No, I don't.

24 Q. (By Mr. Green) In fact, the way she did it may
25 well have been demeaning and vulgar, right?

1 A. I have no idea. I wasn't there, sir.

2 Q. When you say just somebody calling someone a haole
3 could never be vulgar, it could never be demeaning, you want
4 to keep that answer, or do you want to say --

5 A. You're turning my words around --

6 MR. HELPER: Objection, the question misstates the
7 witness's testimony.

8 Q. (By Mr. Green) Do you believe the word "haole"
9 can be used to be racially inappropriate at any time?

10 A. No.

11 Q. You don't believe it can be?

12 A. The definition of the word "haole" is not as
13 stated in this document.

14 Q. The question that I'm asking you is, do you
15 believe the word "haole" could never be used in a derogatory
16 demeaning or racial way?

17 A. The word alone, no.

18 Q. When you say "the word alone," you're saying
19 "haole" as the word can never be used that way?

20 A. "Fucking haole," and depends on like you said. I
21 am referring to just the document.

22 Q. What document?

23 A. The definition in the document.

24 MR. HELPER: You've got to listen to his question.
25 He's left the document.

1 Q. (By Mr. Green) I want to know whether you believe
2 calling someone a haole, depending on how they do it and the
3 circumstances, can be demeaning and racially inappropriate?
4 Can that happen?

5 A. Yes.

6 Q. All right. He says, "The nature of the harassment
7 was verbal and constituted vulgar and demeaning language.
8 The Screening Manager called me a 'haouli' (a derogatory
9 term for Caucasians) on numerous occasions. On at least
10 four occasions, Ms. Igarashi (the Screening Manager)
11 admitted to me that she does not like "white people."

12 Did you ever hear her say that?

13 A. No.

14 Q. Did you ever get the impression Ms. Igarashi did
15 not like white people or some white people?

16 A. No.

17 MR. HELPER: Objection, compound, move to strike.

18 Q. (By Mr. Green) Do you understand the question?
19 Let me go at it a different way.

20 Do you believe that she did not like some white
21 people?

22 A. I don't know who she liked or disliked.

23 Q. Well, you worked with her. Did you ever hear her
24 say anything that made you believe she was prejudiced
25 against some white people?

1 A. No.

2 Q. Never?

3 A. No.

4 Q. If she did call someone a "fucking haole," would
5 that be, in your mind, racially inappropriate?

6 A. Yes, sir.

7 Q. Would that give you a sense that she did not like
8 that person?

9 A. Yes, sir.

10 Q. Because they were Caucasian?

11 A. Because she used the term "fucking haole."

12 Q. Because they were Caucasian?

13 MR. HELPER: Objection, calls for speculation.

14 Q. (By Mr. Green) I'm asking your opinion. If in
15 fact she called someone a fucking haole, would you have the
16 opinion or impression that she did not like that person
17 because they were Caucasian?

18 MR. HELPER: Same objection.

19 Q. (By Mr. Green) You can answer the question.

20 A. Not just because they're Caucasian, sir.

21 Q. That may be one of the reasons?

22 MR. HELPER: Same objection.

23 Q. (By Mr. Green) He can answer. He just doesn't
24 like the question.

25 A. There can be three Caucasians and only one. It

1 doesn't mean you hate all three of them.

2 Q. I'm talking to one person and calling them a
3 fucking haole.

4 A. Right.

5 Q. Do you believe that to be a racially insensitive
6 remark?

7 A. Yes.

8 Q. Would that give you the impression that she did
9 not like that --

10 A. That particular person.

11 Q. You can't keep talking until I finish the
12 question?

13 A. You do it.

14 Q. Why are we arguing? You want to do this the right
15 way or not? I ask the questions and you answer them.

16 A. Yes, sir.

17 Q. Let's not talk over each other; okay?

18 A. Yes, sir.

19 Q. Would you get the impression, if you heard her
20 call someone a fucking haole, that she did not like that
21 person because of the person's race being white?

22 A. Yes.

23 MR. HELPER: Objection, calls for speculation --

24 MR. GREEN: Just answer the question.

25 MR. HELPER: -- as to the state of mind.

1 MR. GREEN: Answer the question.

2 MR. HELPER: Please don't talk over my objections,
3 Counsel.

4 Q. (By Mr. Green) Answer the question.

5 A. That particular person, yes, sir.

6 Q. Okay. "She frequently called the white screeners
7 'fucking haoulies.'" Do you see that?

8 A. Yes.

9 Q. And, of course, based on your personal knowledge,
10 there had been allegations against her for saying that on
11 numerous occasions before this letter, right?

12 A. Yes.

13 MR. HELPER: Objection, misstates the testimony.

14 Q. (By Mr. Green) "'What did those fucking haoulies
15 want?'"

16 Did you ever hear her say in your presence, "What
17 do those fucking haoles want?"

18 MR. HELPER: Objection, asked and answered about
19 five times now about "fucking haoles."

20 Q. (By Mr. Green) I can use "fucking haoles" a
21 million times if it's a different question.

22 Did you ever hear her say in your presence or ask
23 the question, "What do those fucking haoles want?"

24 A. No, sir.

25 Q. You would remember, I guess?

1 A. Yes, sir.

2 Q. "I was also subjected to vulgar terms and
3 demeaning comments by the FSD" -- and that was who?

4 A. Lowery Leong.

5 Q. -- "and DFSD," which would be Howard Tagamori,
6 right?

7 A. Incorrect title, it's AFSD.

8 Q. "I was told, 'shut your Goddamn mouth" by the DFSD
9 in the presence of the FSD and the FSD became upset when I
10 asked about training on the local procedures and used the
11 word 'fuck' numerous times; such as, 'just get the fuck out
12 there and learn it."

13 Did I read that correctly?

14 A. You read it correctly, yes, sir.

15 Q. Would that be something that, if you heard that,
16 you might write something down in a report about hearing
17 some supervisor tell an employee, "Just get the fuck out
18 there and learn it"?

19 A. I would, yes, sir. Is there any inference that I
20 was --

21 Q. I just want to know if that's something you would
22 document.

23 A. Yes.

24 Q. That's not something you would keep in-house?

25 A. No, sir.

1 Q. "I knew I shouldn't have fucking picked you."

2 Did I read that correctly?

3 A. So they're saying that --

4 MR. HELPER: He is just asking you if --

5 THE WITNESS: I'm just trying to gather who he is
6 saying said this. Okay. Go ahead, sir. Yes, that's what it
7 says.

8 Q. (By Mr. Green) Would that be something you would
9 document if you heard that?

10 A. Yes.

11 Q. You wouldn't keep that in-house?

12 A. No.

13 Q. Have you ever, in the time you worked at the
14 airport, ever put anything in writing that dealt with
15 someone talking about fucking haoles, racial comments about
16 haoles, or anything else? Ever put anything in writing
17 about that?

18 A. No, sir.

19 Q. And you've been there how many years?

20 A. Four years now.

21 Q. Number 2, "The FSD, DFSD, and Screening Manager
22 conduct discriminatory hiring practices. When I arrived for
23 the 'swearing-in,' I was asked by the Screening Manager" --
24 who would that be?

25 A. I'm not sure who the manager was on that day.

1 Q. What would be the choices?

2 A. Pat Collins or Patty Igarashi.

3 Q. "'What are your qualifications ... why do you
4 think you deserve this job,'" question mark, "'There are a
5 lot of local people out there that need this job more than
6 you.'"

7 Did I read that correctly?

8 A. Yes, sir.

9 Q. Have you ever heard that discussed while you
10 worked out there?

11 A. No, sir.

12 Q. Is that like a funny question?

13 A. This is the first time I've even seen this
14 document.

15 Q. You're laughing, so I wonder if I asked a funny
16 question.

17 A. No, sir.

18 Q. "After my encounter with the Screening Manager, I
19 was asked to wait outside the office. While sitting there I
20 heard a voice say, 'What the hell, I thought he was a
21 local.'"

22 Did I read that correctly?

23 A. Yes.

24 Q. Did you say that when Tom Young reported to work?

25 A. No, sir.

1 Q. "I was right next to the door, there was no
2 mistake in what I heard. The people in the office were the
3 DFSD, the FAA Special Agent" -- that would be you?

4 A. Yes.

5 Q. -- "and the Screening Manager, and a secretary.

6 "3. The discriminatory hiring practices and
7 harassment combine and propagate to termination actions to
8 remove people that are not what the management desires. The
9 falsifying of official federal counseling and termination
10 documents evidences this. Examples of this are clearly
11 identified in my complaint letter.

12 "4. Proper counseling and administrative
13 protocols for TSA were not followed. The only written
14 document I ever received was at my termination meeting. I
15 was never informed that any conversation would be documented
16 as a verbal counseling session."

17 Do you see that?

18 A. Yes.

19 Q. Did you ever tell Tom Young that if he agreed to
20 leave town, transfer to another place -- was it Chris Gahr?
21 Strike that.

22 Did you tell Chris Gahr that if he agreed to
23 transfer to a different airport you would remove all
24 complaints from his file?

25 A. No, sir, he actually made that request.

1 Q. Did you ever tell him you would do that?

2 A. No, sir.

3 Q. Give me the e-mails please, October 20, 4:32 p.m.

4 (Deposition Exhibit 5 was marked for identification.)

5 You see where it says 4:32 p.m.? do you have the
6 time?

7 A. Yes.

8 Q. It's from Chris Gahr sent Sunday, October 20,
9 2002, 4:32 p.m. to you. Do you remember getting this?

10 A. Yes, sir.

11 Q. Do you remember reading it?

12 A. Yes, sir.

13 Q. It says, "Filbert Carvalho: The letter requesting
14 that I go back on MSF is in the next E-mail."

15 Do you know what he is referring to?

16 A. Yes, sir.

17 Q. What is he referring to?

18 A. He was going to e-mail headquarters and tell them
19 that he wanted to go back on the road and not drop at Maui.

20 Q. He wanted to leave Maui, right?

21 A. Yes, sir.

22 Q. Leave the airport, right?

23 A. Yes, sir.

24 Q. "In accordance with our agreement, I trust that
25 the statement against me will be destroyed. Christopher

1 Gahr."

2 Was there an agreement?

3 A. No, sir.

4 Q. Tell me, when you read this, did you respond and
5 say, "What are you talking about?"?

6 A. I immediately printed it, took it to the FSD, who
7 was present during the meeting, when he tried to get me to
8 sign something on a legal pad stating that I'd throw away
9 the documents against him.

10 Q. I'm missing something. Did you ever respond to
11 him and say, "What are you talking about? We had no
12 agreement"?

13 A. I was told not to.

14 Q. By whom?

15 A. Beth Anderson our legal at that time.

16 Q. She told you not to respond to this?

17 A. Yes, sir.

18 Q. So it stood the way it was, "I trust that the
19 statement against me will be destroyed"?

20 A. I was not, nor was the FSD, in the capacity to
21 destroy any of the write-ups over a deal to relocate.

22 Q. If you don't understand the question, just tell
23 me. I just asked you whether or not you ever responded to
24 this.

25 A. No. I didn't know it was a "yes" or a "no."

1 Q. Do you want her to read back the answer you gave
2 me to the question?

3 MR. HELPER: There's no question. Let's take two
4 minutes off the record.

5 (There was a discussion off the record.)

6 Q. One of the things that you told me earlier was
7 that Chris Gahr was not terminated on Maui, right?

8 A. Yes, sir.

9 Q. He was terminated where? What are you reading?

10 A. His receiving station in Oakland.

11 Q. Did you attempt to have him terminated in Oakland?

12 A. No, sir, the way it worked was --

13 Q. Listen to the question. The question was whether
14 you attempted to have him terminated in Oakland?

15 A. No.

16 Q. Did you take any steps to get him terminated in
17 Oakland?

18 A. No.

19 Q. Mark this as next, please.

20 (Deposition Exhibit 6 was marked for identification.)

21 This is dated October 21, 2002. Is that the right
22 date?

23 A. Yes.

24 Q. And it's from you to Lisa Baker, TSA Employee
25 Relations?

1 A. Uh-hm.

2 Q. Where does she work?

3 A. She was like our legal prior to Marty. She took
4 care of all of our employee stuff before we were assigned an
5 attorney.

6 Q. Where are her offices, if you know?

7 A. California somewhere, sir.

8 Q. Do you remember drafting this memo?

9 A. Yes.

10 Q. Regarding who?

11 A. Chris Gahr.

12 Q. "This memo is regarding Mobile Screening Force
13 Supervisor Christopher Gahr, whose performance has been
14 problematic on numerous occasions."

15 A. Yes.

16 Q. What was the problematic things on numerous
17 occasions?

18 A. There was an attachment that went with this that
19 listed the things that he did wrong.

20 Q. And the things that were listed, which I'll show
21 you, where did you get that information from?

22 A. From manager's logs an counseling from, I believe,
23 Pat Collins. Right now, that's all I remember, from Pat
24 Collins.

25 Q. And the reason you were writing this document to

1 Lisa Baker?

2 A. Under instruction from the FSD, sir.

3 Q. "Whose performance has been problematic on
4 numerous occasions. The incidents involving less than
5 satisfactory performance were brought to Mr. Gahr's
6 attention beginning October 18"; that's right?

7 A. Yes.

8 Q. Brought to his attention by whom?

9 A. Probably myself or Lowery Leong.

10 Q. Well, don't guess. Tell me what you brought to
11 his attention before his termination.

12 A. I showed him the write-up from all the things that
13 he did wrong.

14 Q. And written up by whom?

15 A. Patrick Collins.

16 Q. Things that were not kept in-house?

17 A. Yes, sir.

18 Q. Have you ever seen anything in any TSA employee's
19 file that dealt with racial remarks or discriminatory
20 conduct by anyone at TSA against a white male or other white
21 employee?

22 A. No.

23 Q. "To document Mr. Gahr's performance, attached
24 please find three TSA Counseling Records, a General
25 Counseling Form, an October 17 report written by me, and two

1 emails sent to me from Mr. Gahr.

2 "It behooves me" -- I'm reading from paragraph 3.

3 "It behooves me to report that the decision has been made to
4 relieve Mr. Gahr from future employment obligations.

5 Effective immediately, we will no longer employ him here at
6 Kahului International Airport."

7 Did I read that correctly?

8 A. Yes.

9 Q. "Mr. Gahr has contacted MSF operations and has
10 been scheduled for deployment in Oakland, California. I
11 would like you to review the attached statements and seek
12 grounds for removal."

13 Do you see that?

14 A. Yes, sir.

15 Q. Removal from what?

16 A. From the TSA and MSF.

17 Q. Where?

18 A. From being on the MSF.

19 Q. In Oakland, California?

20 A. No, removal from TSA and from the MSF.

21 Q. "His constant failure to perform to instructions
22 and SOP, along with his insubordination has caused
23 inefficiency at our checkpoint."

24 Do you see that?

25 A. Yes.

1 Q. You were writing them to let them know he was
2 making application to Oakland, and you were at least
3 inferring that he should not be hired there; that's what
4 this says, isn't it, paragraph 4, right? See where it says
5 "removal"?

6 A. Yes.

7 Q. You are suggesting at least to Ms. Baker that he
8 be fired from Oakland, California?

9 A. We wanted him removed here. He made provisions to
10 leave prior to until we could serve him.

11 Q. I would like you to review the statements and seek
12 grounds for removal, you said that?

13 A. Yes, sir. Yes.

14 Q. He'd already been fired here, had he not?

15 A. No.

16 Q. Were you suggesting that he be fired from Oakland,
17 California?

18 A. He was not even fired yet. He was part of the MSF
19 team.

20 Q. Were you trying to prevent him --

21 MR. HELPER: Wait. Let him answer the answer.

22 THE WITNESS: Yeah, can I?

23 Q. (By Mr. Green) Sure. Go ahead.

24 A. He did not belong to Kahului airport. He was not
25 our employee. We requested that they remove him from MSF or

1 terminate him. We didn't know until later that he was going
2 to Oakland. I'm letting her know that he is requesting
3 through other channels to be reassigned to Oakland.

4 Q. Right. You were not intending to have him fired
5 at Oakland or not be hired, were you?

6 A. We wanted him fired here, sir.

7 Q. The question is whether or not you were trying to
8 make sure he was not rehired or fired in Oakland, right?
9 That was not the intent of this e-mail, right?

10 MR. HELPER: Objection, vague, compound and
11 confusing.

12 Q. (By Mr. Green) Do you understand the question?

13 A. No.

14 Q. Were you trying to make sure he was not hired in
15 Oakland when you wrote this?

16 A. Hire? He was already hired. He was a TSA
17 employee.

18 Q. Where?

19 A. On MSF, on the mobile screen force.

20 Q. Had he already been hired in Oakland?

21 A. You're not understanding. He is part of a mobile
22 screening workforce that belonged to the government. When
23 he gets fired, he is fired from the TSA mobile screening
24 force. It's not a matter of being hired in Oakland. So we
25 wanted to fire him here. We did not want him to go to

1 Oakland. He made provisions to go to Oakland.

2 Q. Right. And?

3 A. And he got to Oakland. So we're letting her know
4 that we're making provisions to fire him, serve him in
5 Oakland. It was out of our control. He belonged to another
6 dispatch that sent him away.

7 Q. You weren't trying to make sure that whatever you
8 were sending to Lisa Baker would wind up over in Oakland so
9 maybe he would not be hired there. That was not your
10 intent?

11 A. You don't understand.

12 Q. Maybe I don't.

13 MR. HELPER: Let's go off the record.

14 (Deposition Exhibit 7 was marked for identification.)

15 Q. (By Mr. Green) You know, of course, that he made
16 plans to be transferred, be redeployed to Oakland?

17 A. Yes.

18 Q. And knowing that you wrote what I just read you,
19 your to/from to Lisa Baker, right, you knew he planned on
20 being deployed to Oakland and then you wrote that knowing
21 that, right?

22 A. Yes.

23 Q. In front of you is what?

24 A. Employee discharge.

25 MR. HELPER: If I can have a second?

1 Q. (By Mr. Green) Sure. The date is October 25,
2 2002. He is terminated, right?

3 A. Yes.

4 Q. Did you see a copy of this before?

5 A. No.

6 Q. First time you've seen it?

7 A. Yes.

8 Q. And this lists a number of things. Apparently,
9 they talk about reasons for his discharge. Do you know who
10 prepared this?

11 A. Looks like it's from Howard Tagamori.

12 Q. It has a number of things listed paragraph 1, "On
13 March 31, 2002, you were given a conditional appointment in
14 the excepted service with the Transportation Security
15 Administration as a Supervisory Transportation Security
16 Screener." It goes on to say, "All new hires must complete
17 a one-year probationary period. Employees may be terminated
18 during their probationary period for unacceptable
19 performance or for conduct issues."

20 Did I read that correctly?

21 A. Yes, sir.

22 Q. "On October 17, 2002, specifically you were the
23 assigned shift supervisory for the evening shift. You were
24 instructed to calibrate the ETD machine, lock all ETD
25 cabinets, place keys in metal box in file cabinet, put away

1 all checkpoint equipment, and log all lost and found items
2 at the end of your shift. Upon opening the checkpoint on
3 October 18, 2002, it was discovered that all ETD cabinets
4 were not locked, keys had not been put away, checkpoint
5 equipment was lying chairs and scattered about the wandering
6 area."

7 Do you see that?

8 A. Yes.

9 Q. Who found those things, those deficiencies?

10 A. I believe Patrick Collins.

11 Q. "Further, all checkpoint radios were left on all
12 night."

13 That was Patrick Collins?

14 A. Yes, sir.

15 Q. "Therefore, the radios were not functioning or
16 indicated that the batteries needed to be replaced."

17 A. Yes.

18 Q. My sense is that he left these radios on
19 apparently. Someone says that the batteries were drained,
20 yes?

21 A. Yes.

22 Q. Is that something that should be documented as
23 opposed to kept in-house?

24 A. Yes.

25 Q. Something more serious than maybe discriminatory

1 remarks about employees?

2 A. I believe it was documented.

3 Q. I'm asking you whether or not something like this
4 would be more serious than a discriminatory conduct against
5 other employees. Do you know what I'm talking about?

6 A. Yes, sir, I see what you are getting at. No, they
7 are two separate incidences.

8 Q. Which one do you think would be more serious:
9 leaving --

10 MR. HELPER: Let me object, your term -- well, go
11 ahead and finish your question.

12 Q. (By Mr. Green) Which one, in your mind, would be
13 more serious --

14 A. They're both serious.

15 MR. HELPER: Let him finish the question.

16 Q. (By Mr. Green) -- not to log discriminatory
17 conduct or to log something where someone left on a radio
18 where the batteries were drained?

19 MR. HELPER: Object to the phrase "discriminatory
20 conduct" as vague.

21 Q. (By Mr. Green) Well, I'll go back to where you
22 said, Don't log it down, don't write it down, let's keep it
23 in-house. I want to find out whether leaving radios on
24 where the batteries were drained would be of equal
25 importance or seriousness. You tell me.

1 A. It's important. There's no way you can compare
2 the two.

3 Q. Would one just be as serious as the other, in your
4 mind, draining batteries as opposed to making discriminatory
5 remarks about someone?

6 MR. HELPER: Same objection.

7 Q. (By Mr. Green) Go ahead.

8 A. They are both equally important.

9 Q. Are they both --

10 A. The operation.

11 Q. Are they both serious?

12 A. Yes.

13 Q. So apparently someone chose the document, and you
14 basically said in your other document that I showed you,
15 Let's keep it in-house, let's not log anything about
16 discrimination, right?

17 A. That was taken out of context, but, yes, sir.

18 Q. Well, I read what you wrote.

19 A. Yes, sir.

20 Q. Also it says, the next paragraph, "Also, on
21 October 17, 2002, a screener under your supervision, was
22 observed performing her duties with a bandaged left hand."

23 Do you see that?

24 A. Yes.

25 Q. We talked about you seeing someone that had the

1 bandaged hand with dislocated fingers, right?

2 A. Yes.

3 Q. That was documented against this employee, right?

4 A. Yes.

5 Q. That was a serious infraction, did you believe
6 that?

7 A. It was documented.

8 Q. Did you think it was a serious infraction?

9 A. Yes.

10 Q. "October 19 and 20, 2002, you again failed to
11 follow procedures and direction by not properly calibrating
12 ETD machine and not placing keys in appropriate place as
13 directed."

14 A. Yes.

15 Q. Who found that?

16 A. I believe Patrick Collins.

17 Q. Did you actually speak to Mr. Collins about the
18 things that are in this letter that I read so far?

19 A. This is the first time I seen this, but I've
20 talked to him about his report.

21 Q. "Your conduct, as described above, is unacceptable
22 and will not be tolerated. Therefore, it is my decision to
23 separate you from your position as the TSA effective the
24 close of business on the day you receive this notice."

25 Yes?

1 A. Yes.

2 Q. You can put that aside.

3 A. Can I make a statement?

4 MR. HELPER: No.

5 Q. (By Mr. Green) Are there other -- the offenses
6 that I read you, apparently I asked you earlier whether
7 there was progressive discipline, yes?

8 A. Yes, sir.

9 Q. Was there any progressive discipline on any of the
10 issues that I read to you so far?

11 MR. HELPER: Objection, calls for speculation,
12 lacks foundation.

13 THE WITNESS: I don't know.

14 Q. (By Mr. Green) You don't know whether he was
15 counseled or told he would be terminated if his conduct
16 continues?

17 A. No.

18 Q. Do you know what happened to Ms. Igarashi? She
19 was terminated, was she?

20 A. Yes.

21 Q. Do you know why?

22 A. No.

23 Q. If you know. You don't know why?

24 A. No.

25 Q. How long had she worked there?

1 A. Several months.

2 Q. When you were testifying in depositions where the
3 allegations that white employees made about her calling them
4 "fucking haoles," do you remember about what years or dates
5 those allegations were made?

6 A. It was all --

7 MR. HELPER: I'm sorry, let me be clear. Are you
8 asking when the statements were made or when the allegations
9 about the statements were made?

10 Q. (By Mr. Green) I just want to know when the
11 allegations were made because she made statements. Do you
12 remember about when that was?

13 A. Between October '02 and January of '03.

14 Q. October of '02 and January of '03. So I can
15 assume, based on what you said, she was not terminated
16 between those dates?

17 A. No.

18 Q. If you know, was she terminated right after this
19 lawsuit was filed?

20 A. I'm not sure. I was not at the airport when she
21 got terminated.

22 Q. Was there a discussion about her termination?

23 A. I was not. I was out for four months.

24 Q. When was the first time you learned that anyone,
25 I'm talking about Gahr or Young, filed an EEOC complaint?

1 A. I'm not sure of the exact date.

2 Q. Going back to the October 21, 2002 to/from to Lisa
3 Baker, tell me about your discussions with Lowery Leong that
4 you reference in here?

5 MS. KAGAWA: It's a memo to Lisa Baker.

6 THE WITNESS: Exhibit 6?

7 Q. (By Mr. Green) You said you prepared this under
8 the direction of Lowery Leong, right?

9 A. Yes.

10 Q. Tell me what it was, the circumstances of your
11 conversation where he told you to prepare this?

12 A. Basically, he looked at the write-ups, he looked
13 at the manager's log and everything, and he just told me to
14 prepare a document, send it to legal and see if we can have
15 him removed.

16 Q. Where did the conversation take place?

17 A. Downstairs TSA office.

18 Q. Who was present?

19 A. I'm not sure.

20 Q. What did Mr. Leong say to you, as best you can
21 recall?

22 A. Basically, take whatever I had documented and
23 forward it to Lisa Baker.

24 Q. Take whatever who had documented?

25 A. Whatever Patrick had documented against Chris.

1 Q. Those were the things that were in his personnel
2 file?

3 MR. HELPER: Objection --

4 THE WITNESS: We had no personnel files at that
5 time.

6 Q. (By Mr. Green) These things that were written
7 about Christopher Gahr, for example, where were these items
8 being maintained?

9 A. There's Patrick's write-up that he had.

10 Q. Where do you find these things, in someone's
11 drawer?

12 A. Basically, they were kept in in-and-out boxes with
13 folders. We had no secretary, no HR staff at that time.

14 Q. So there were separate folders for each employee?

15 A. Yes.

16 Q. It's my memory that Mr. Young was fired November
17 13, 2002. Does that seem, the date, would be accurate?

18 A. I don't know about being accurate.

19 Q. Well, you remember I asked you earlier about
20 writing reports making them contemporaneous?

21 A. Yes, sir.

22 Q. Certainly, in 2003, if you know, Mr. Young had
23 filed at least an EEOC complaint for discrimination; you
24 knew that, right?

25 A. Yes.

1 Q. Let's mark this next, please.

2 (Deposition Exhibit 8 was marked for identification.)

3 Is there any conversation that you were part of,
4 or in your presence, where people talked about documenting
5 reasons to show why we got rid of Young after the EEOC
6 complaint was filed? Do you remember any conversation like
7 that? Put something in his record or his file to show why he
8 was terminated? Do you remember anything like that? You're
9 reading. You're not listening to me.

10 A. No.

11 Q. You don't remember any conversation like that?

12 A. No.

13 Q. Where people actually wrote things or asked to
14 write things to kind of dirty him up. Do you remember
15 anything like that?

16 A. No.

17 Q. You are laughing again.

18 A. I don't remember, sir. I'm just trying to review
19 what's written here and what you are telling me.

20 Q. I'm saying maybe it happened and maybe it didn't
21 or you were never --

22 A. I don't recall.

23 Q. -- a party one way or the other?

24 A. Yes.

25 Q. This is dated June 6, 2003 to Mr. R. Au, AFSD.

1 Who is that?

2 A. He is the screening assistant federal security
3 director.

4 Q. Subject: Tom Young. This was seven months after
5 his termination. "AFSD H. Tagamori and SA F. Carvalho
6 advised me that Screening Manager P. Igarashi and I were to
7 train and advise the new Screening Manager Tom Young in his
8 duties and procedures."

9 You remember when you had that conversation?

10 A. Yes.

11 Q. When?

12 A. I don't know the exact date.

13 Q. Give me a year. 2003?

14 A. No, I was out for the first three months of 2003.

15 Q. It was after he was fired, wasn't it?

16 A. Yes, sir.

17 Q. "Mr. Young was assigned to us for one week to have
18 him shadow us and be shown the requirements of the job.
19 Mr. Young was shown the SOP and other documents which were
20 related to the checkpoint. Mr. Young was also shown by me
21 the proper way to open the checkpoint, calibrated the ETDs,
22 X-ray machines, HHMT, and the WTMD. I advised Mr. Young if
23 he had any questions regarding procedures that he could ask
24 P. Igarashi or I."

25 Do you see that?

1 A. Yes.

2 Q. Do you know anything about Tom Young shadowing
3 somebody to learn the requirements of the job?

4 A. Yes.

5 Q. Who asked him to do that, if anyone?

6 A. I think Lowery Leong had partnered him up with
7 both an a.m. and p.m. manager.

8 Q. Would that be a reasonable thing to ask Mr. Young
9 to do?

10 A. Yes.

11 (Deposition Exhibit 9 was marked for identification.)

12 Q. This is a sworn statement by Mr. Young that is
13 attested to on August 8, 2003. Turn to page 3 of 10. This
14 references his shadowing, as he was asked to do, to learn
15 his job.

16 Under answer 6, it says -- the question is: "Were
17 the management officials, Mr. Carvalho, Patti Igarashi,
18 Lowery Leong aware of Complainant's race, color, sex, and
19 national origin when Complainant worked there?"

20 Of course you were, weren't you?

21 MR. HELPER: Objection, overbroad.

22 Q. (By Mr. Green) You knew his race, color, and his
23 sex, didn't you?

24 A. Yes.

25 Q. "I know that they were aware as they mention of

1 his race, color, sex and national origin.

2 "In my first few days, I was supposed to do on the
3 job training 'shadowing' another manager. I was asking
4 questions about everything to learn my job. Ms. Igarashi
5 said, 'You fucking Haoles are all the same... you want to
6 know everything.'"

7 Did you know she said that?

8 A. No, sir.

9 Q. "On another occasion when I suggested a proper
10 protocol for a doorway she said to me, 'You white guys must
11 think alike... we had this other white guy from the mainland
12 who wanted to do the same thing.'"

13 Did you know she said that to him?

14 A. No, sir.

15 Q. "Of course, in both instances, she was talking
16 about Complainant." That refers to Mr. Gahr. "She went on
17 to say, 'We had to fire him... I knew he wouldn't work
18 out... I knew the minute he walked in here... he is from the
19 mainland... he is a goofy white guy and wanted to make a lot
20 of changes... so we had to fire him.'"

21 Did you know she said that?

22 A. No, sir.

23 Q. No discussion about wanting to fire Mr. Gahr
24 within a few days after he arrived, nothing in your
25 presence?

1 A. No, sir.

2 Q. "My response was 'just let me know if I make a
3 similar mistake!' But I had not suggested a mistake. None
4 of the managers, including Ms. Igarashi, had received
5 training."

6 Is that true?

7 MR. HELPER: Objection, overbroad, calls for
8 speculation.

9 Q. (By Mr. Green) Do you know if she received any
10 training in screening? TSA training?

11 A. No, she did not.

12 Q. Had Mr. Gahr or Mr. Young received TSA screening?

13 MR. HELPER: Objection, lacks foundation.

14 THE WITNESS: Not Mr. Young, no.

15 Q. (By Mr. Green) Mr. Gahr did?

16 A. Yes, sir.

17 Q. "All of the TSA screener were very bright and well
18 trained."

19 Do you believe that to be true?

20 A. Yes.

21 Q. "The screeners, Ms. Igarashi and Mr. Carvalho,
22 knew the old Wackenhut way and very much resented anyone who
23 questioned anything or made good suggestions."

24 Do you believe that to be true?

25 A. No.

1 Q. Did you say anything like that?

2 A. No.

3 Q. "All you would hear from Ms. Igarashi,?

4 Mr. Carvalho and Pat Collins was, 'as soon as this training
5 workforce is out of here, we are going back to the way we
6 did it with Wackenhut."

7 Did you say that?

8 A. No.

9 Q. Did Ms. Igarashi say that in your presence or
10 Mr. Collins?

11 A. No.

12 Q. Do you have the exhibit in front of you on June 6,
13 2003?

14 A. Exhibit 8?

15 MR. HELPER: The Collins memo.

16 Q. (By Mr. Green) Starting on paragraph 2,
17 "Mr. Young was then placed in the rotation of managers and
18 given his own shift. On the days that I opened up the
19 checkpoint after he had been the closing manager I
20 discovered that certain procedures were not being followed.
21 I passed on to Mr. Young the information regarding these
22 problems and how they could be corrected."

23 Were you present when that was supposedly passed
24 on?

25 A. No.

1 Q. "These problems and errors continued to happen and
2 I advised SA F. Carvalho of this."

3 Did he do that?

4 A. Yes.

5 Q. Do you have that documented anywhere that you were
6 advised by him?

7 A. Manager's log and also his write-up.

8 Q. "These problems of errors continued to happen and
9 I advised Special Agent F. Carvalho of this. He informed me
10 that I was to document these problems."

11 Did you do that? Did you advise him to document
12 these problems?

13 A. Yes.

14 Q. Did you advise any white TSA employee to document
15 problems they were having with Patty Igarashi, or anyone
16 else, regarding racial remarks?

17 A. No.

18 Q. Next paragraph, "I instructed my supervisors and
19 MSF people to place in their shift logs any problems they
20 observed or that I pointed out to them when opening the
21 checkpoint. I also kept notes for myself of these SOP and
22 procedural problems."

23 Do you see that?

24 A. Yes.

25 Q. This is coming from Mr. Collins?

1 A. Yes.

2 Q. Apparently he kept some notes and documented
3 procedural problems that were ongoing, yes?

4 A. Yes.

5 Q. Do you know if Mr. Collins, just if you know,
6 documented or had notes of any racial remarks that were
7 reported to him?

8 A. I don't know.

9 Q. "On November 10, 2002, at 0430 I opened the
10 checkpoint and discovered that the failure to follow the
11 procedure was still a problem after Mr. Young had closed the
12 night before."

13 It kind of sounds like this guy was incompetent,
14 doesn't it?

15 MR. HELPER: Objection, argumentative.

16 Q. (By Mr. Green) Does it sound to you like
17 Mr. Young was incompetent?

18 A. Not incompetent, no.

19 Q. It sounds like he couldn't follow directions,
20 right?

21 A. Yes.

22 Q. He was told to do things, and he keeps right on
23 doing them, right?

24 A. Yes.

25 Q. I'm talking about the same guy that guarded the

1 president's plane, right?

2 A. Yes.

3 Q. "On that date two (2) of the three (3) X-ray
4 machines still had keys left in them. The keys to the ETD
5 were left out in the open on top of the mailbox for the
6 PFSs."

7 What is PFSs?

8 A. No idea, sir.

9 Q. This was logged in the manager's log. What does
10 that mean to you, if anything?

11 A. They keep a composition notebook of key events
12 that happened, complaints, or anything in this notebook.

13 Q. Have you looked over that log from time to time?

14 A. During the roll-out, every day, yes, sir.

15 Q. I'm just wondering. This log has complaints or
16 notations regarding conduct by certain employees that would
17 be inappropriate, not following rules and regulations,
18 things like that?

19 A. Yes, sir.

20 Q. Have you ever seen in that log anything written
21 down about Patty Igarashi calling anyone a "fucking haole"?

22 A. No, sir.

23 Q. Ever seen anything in that log about any TSA
24 employee saying anything that was racially discriminatory
25 against any white employee at TSA?

1 A. No.

2 Q. "He instructed me to prepare a written report from
3 my notes. I prepared a report as instructed and turned it in
4 to him."

5 It goes on to say at the bottom, the very last
6 sentence, "The original report that was turned over to SA F.
7 Carvalho is not available."

8 Do you see that?

9 A. Yes.

10 Q. Where is the report that was turned over to you?

11 A. No idea.

12 Q. You lost it?

13 A. I forwarded it through the chain of command to
14 Bobby Au.

15 Q. You certainly kept a copy, didn't you?

16 A. No.

17 Q. Whatever you got, you just turned it over to him?

18 A. Yes, sir.

19 Q. If you look at the affidavit again, page 4 of 10,
20 the question at the bottom is, "Were you aware that
21 Complainant brought EEOC issues to the attention of
22 management?" The Complainant being Gahr. This is the
23 affidavit of Young. "Be specific in whose attention it was
24 brought, when, where and how."

25 "Answer 7: Yes, I knew. After Ms. Igarashi told

1 me those things about white people and Haoles, etc. there
2 were other employee issues. It was a wreck management-wise
3 at OGG."

4 That refers to the airport?

5 A. Yes, sir.

6 Q. "Some employees were not paid for weeks on end.
7 Two married employees came to ask me asked about getting
8 paid as they were broke and had not been paid for six
9 weeks."

10 Were you aware of employees that were not paid for
11 weeks at a time?

12 A. Yes, sir.

13 Q. Do you know why that happened?

14 A. Yes, sir.

15 Q. Why?

16 A. We were being controlled, a workforce of 45,000
17 people that were hired within three months out of one HR
18 office.

19 Q. So not improbable that some people were having
20 financial problems because they were not paid?

21 A. Yes, sir.

22 Q. Do you know of any other married couple that was
23 working for TSA other than the people we spoke about, the
24 Reinharts?

25 A. Yes.

1 Q. Who else?

2 A. I'm not going to yell it out, but I need to think
3 about it.

4 Q. Were they Caucasian?

5 A. Ruth and Paulsons -- the Paulsons.

6 Q. Were they Caucasian?

7 A. Yes, sir.

8 Q. "Ms. Igarashi saw them approach me" -- and that's
9 referring to the people that went up to ask about their
10 checks to Mr. Young. "Ms. Igarashi saw them approach me and
11 asked, 'What do those fucking Haoles want.' I pulled her to
12 the side and told her that the employees were upset that she
13 was calling them 'fucking haoles.' She asked if I was going
14 to file a complaint against her too. She said, 'Oh, yeah,
15 that fucking Haole we fired also filed a complaint against
16 me.' again referring to Complainant." I reiterated that I
17 was not filing a complaint, but thought she needed to not
18 use the term Haole as it was offending me in the workforce."

19 Of course, you had no knowledge that any of that
20 was going on between Igarashi and these white employees,
21 right?

22 A. No.

23 Q. Did you ever hear her use the word "fuck"?

24 A. I'm not sure, not that I can recall.

25 Q. You are not sure?

1 A. No, sir.

2 Q. She may have used the word "fuck"?

3 A. Not that you can remember, no, sir.

4 Q. Never heard her curse?

5 A. No.

6 Q. "However, within ten minutes, Mr. Tagamori, deputy
7 director of screening, called me into the office and was
8 screaming at me about the chain of command and I did not
9 know anything."

10 Did I read that correctly?

11 A. Yes.

12 MR. HELPER: And did I not know anything.

13 THE WITNESS: And did I not know anything.

14 Q. (By Mr. Green) Is that a violation in the chain
15 of command based on what I just read to you previously that
16 two employees came over to him to ask about their paychecks,
17 and then Mr. Young says that he was a little upset and
18 suggested she not call white people "fucking haoles," is
19 that a breach of the chain of command?

20 A. I don't see how they are related, her talking to
21 the manager, no, sir.

22 Q. Turn to page 6 of 10. Look at a couple of
23 paragraphs down starting with, "One day in a meeting with
24 Mr. Carvalho, Mr. Collins" -- do you see that, the second
25 paragraph?

1 A. Yes.

2 Q. "One day in a meeting with Mr. Carvalho,
3 Mr. Collins, Mr. Tagamori, Ms. Igarashi, and myself, Mr.
4 Carvalho said, 'Here is a list of the supervisors we were
5 going to use.' They were all locals."

6 Do you remember that meeting?

7 A. No.

8 Q. "Ms. Igarashi said, 'but we already called
9 Washington D.C. and we have to use the supervisors who have
10 been selected."

11 Do you remember her saying that?

12 A. No.

13 Q. "Mr. Carvalho said, 'no, we're not using those,
14 we're using these former Wackenhut people.'"

15 Do you remember that?

16 A. No.

17 Q. "As a result, we had the former Wackenhut
18 employees working as supervisors who were being paid as
19 screeners" --

20 Do you remember that happening?

21 A. No.

22 Q. -- "and we had TSA supervisors working as
23 screeners but being paid at supervisor level."

24 Do you remember that happening?

25 A. No.

1 Q. "It was ugly because the TSA employees were
2 trained one way, the Wackenhut employees were doing it their
3 way and then you have the whole race and natural origin
4 undercurrent."

5 Did I read that correctly?

6 A. Yes.

7 Q. Of course, the screening was different between
8 Wackenhut and TSA, how they were trained?

9 A. No, there was no difference.

10 Q. They were trained the same way?

11 A. Yes. When they came back at the end of the
12 workforce, when Mr. Young was there, they had been retrained
13 by TSA and came back to work as incumbents trained by TSA as
14 government employees.

15 Q. Take a look at page 7. It says at the top, "After
16 that, Mr. Carvalho said if I saw anything, I needed to use
17 it to get rid of employees."

18 Did you ever say anything like that?

19 "Mr. Carvalho told the supervisors, including me,
20 that 'anything you see wrong, write them up and put it in
21 their personnel files; we need to get rid of these TSA
22 people so that we can get some of our Wackenhut people back
23 here."

24 Did you say anything like that?

25 A. No.

1 Q. It sounds like this guy is perjuring himself,
2 doesn't it?

3 MR. HELPER: Objection, calling for speculation.

4 Q. (By Mr. Green) If giving a false statement under
5 oath constitutes perjury, are you saying you never said
6 this, or you don't remember saying this?

7 A. I'm saying I never said it.

8 Q. So we got a guy who is wearing under oath that you
9 said it, and you're saying it never happened, right?

10 A. Yes, sir.

11 Q. Next paragraph, "At one point in a meeting with
12 the same three supervisors, Mr. Carvalho, Ms. Igarashi,
13 Mr. Collins, and myself, I expressed that since TSA spent so
14 much money training the employees, would it not be a good
15 idea to point out their errors in an effort to get them to
16 improve rather than firing them."

17 Do you remember that conversation?

18 A. No.

19 Q. Did it happen or didn't happen or you just know it
20 didn't happen?

21 A. I don't recall.

22 Q. "Mr. Carvalho's response was that he did not want
23 us to tell them how to improve or how to fix the problem and
24 they wanted it in the file so they could get rid of them."

25 Did you say that?

1 A. No.

2 Q. He's either mistaken or lying again, right?

3 MR. HELPER: Objection, calls for speculation.

4 Q. (By Mr. Green) It's only one of two
5 possibilities. It's either a mistake or he's lying, right?
6 It's either a mistake or lying?

7 A. You still want yes-or-no answers, right?

8 Q. Yeah. It calls for a yes-or-no answer. It's
9 either a mistake or lying?

10 A. Yes.

11 Q. Look at the bottom. "I heard Ms. Igarashi and
12 Mr. Carvalho" -- I can't see what he crossed out -- "speak
13 about screening procedures the 'Wackenhut' way. I heard
14 both Ms. Igarashi and Mr. Carvalho say, 'as soon as they get
15 rid of these God-damned Haoles, we'll get back to the
16 Wackenhut way.'"

17 Do you see that?

18 A. Yes.

19 Q. Does the word "God-damned haoles," with the use of
20 the word "haoles" sound like it's discriminatory to you?

21 A. Yes.

22 Q. Okay. "All of the mobile screening force" -- did
23 you say that what I just read you?

24 A. No.

25 Q. Did you hear Ms. Igarashi say it in your presence?

1 A. No.

2 Q. Apparently you've never heard her say anything
3 derogatory about haoles, right?

4 A. Yes.

5 Q. Yes, you have not?

6 A. No, I have not heard.

7 Q. And you've never heard anyone complain about it
8 until lawsuits, right?

9 A. Yes.

10 Q. "All of the mobile screening force were really
11 competent and had the SOP down pat. This really scared Ms.
12 Igarashi and Mr. Carvalho. If MSF tried to change the way
13 she was doing things, she would really resist and once the
14 SOP was shown to her, she would get more frustrated."

15 You don't know anything about that, right?

16 A. I do.

17 Q. Who is Denise Vogel?

18 A. A former screener.

19 Q. What's her ethnic background?

20 A. White female.

21 Q. Did she live on Maui before she was hired by TSA?

22 A. She was with Wackenhut. She was an incumbent.

23 Q. Did she live on Maui, if you know, for a number of
24 years?

25 A. I'm not sure.

1 Q. Local girl, right?

2 A. I'm not sure.

3 Q. You are not sure?

4 A. No.

5 Q. You know she didn't come from the mainland to take
6 this job though, right?

7 A. No, she was here already and employed by
8 Wackenhut.

9 Q. Let's mark this next, please.

10 (Deposition Exhibit 10 was marked for identification.)

11 We were taking earlier about contemporaneous
12 filing of reports and things like that?

13 A. Yes.

14 Q. You said that, based on your review of this record
15 for this case, you had never seen late reporting in the
16 manner and form you have seen them in this case, right?
17 Yes?

18 A. Could you restate the question?

19 Q. Yeah. Before this case, you've never seen the
20 kind of late reporting you have seen in this case? You've
21 never seen it before, that's what you told me, right?

22 A. Yes.

23 Q. This is dated first week, November 2003. Do you
24 see that?

25 A. Yes.

1 Q. A year after Gahr was fired -- Tom Young was
2 fired. 8:30 a.m. Screener: Denise Vogel, Detail of
3 incident: Per instruction from scheduling manager Gerry
4 Yamada, I approached Tom Young for the following days
5 schedule, however, he was overwhelmed by the goings on so I
6 excused myself and said, 'I would return at the end of my
7 shift.' When I did, he blew up and yelled 'You asked me that
8 ten times already.' I said, 'whoa wait a minute not me, this
9 is only my second time and because he was not able to do it
10 earlier.' He finally gave me my schedule and that was that.
11 Uilani Danley witnessed this incident."

12 Who is she?

13 A. Another screener.

14 Q. Caucasian?

15 A. Yes.

16 Q. Local girl, right, came from Wackenhut, did she?

17 MR. HELPER: Let me object to the use of the term
18 "local" because I think it's contradictive the way you use
19 the word "local" before.

20 Q. (By Mr. Green) I think you're right.

21 A. Incumbent.

22 Q. She's an incumbent. She witnessed the incident.
23 "This incident happened right outside the former Manager's
24 cubicle. He yelled over the cubicle to me."

25 She seems to be a year off in her complaint?

1 MR. HELPER: Objection, argument, lacks
2 foundation.

3 Q. (By Mr. Green) Doesn't she? It says, "First week
4 November 2003" as the incident occurring, right?

5 A. Yes.

6 MR. HELPER: Lacks foundation to this witness.

7 Q. Take a look at these next.

8 (Deposition Exhibit 11 was marked for identification.

9 To Patrick Collins regarding Tom Young. We're back
10 to Uilani Danley regarding Tom Young, June 12, 2003. You
11 see that date?

12 A. Yes.

13 Q. December, January, February, March, April, May,
14 June, seven months after he was terminated?

15 A. Yes.

16 Q. "To the best of my knowledge" -- you've been in
17 law enforcement for a long time, right?

18 A. Yes.

19 Q. "To the best of my knowledge, there was an
20 incident that happened on the 1st week of my employment with
21 TSA."

22 Do you know what her first week of employment was?
23 Can you give me an idea?

24 A. Mid to end October 2002.

25 Q. So it seems like she's now recounting something to

1 Mr. Collins for his files regarding Tom Young seven months
2 after it happened. That's what it looks like, doesn't it?

3 A. Yes.

4 Q. "To the best of my knowledge, there was an
5 incident that happened on the 1st week of my employment with
6 TSA. Two of my fellow employees Tina Perez and Denise Vogel
7 both had questions regarding their schedules with our
8 manager Tom Young. Throughout the course of the day, Tom
9 Young made his way back to the checkpoint area, Denise Vogel
10 then approached him regarding her schedule, Tom replied back
11 in a very unprofessional manner yelling at Denise that he
12 told her that he would get back to her and to stop asking
13 him about the schedule. Denise then told him that it was
14 the first time she had ever spoken to him regarding the
15 schedule since that morning. He then stated that he had
16 mistaken her for someone else."

17 Do you see that?

18 A. Yes.

19 Q. Have you ever seen anyone at TSA write a report
20 referring to an incident that occurred seven months before?

21 A. No.

22 Q. Ever seen anyone -- strike that. An incident
23 that apparently occurred substantially after, or at least a
24 time after an EEOC complaint was filed, yes? It appears that
25 way?

1 A. Yes.

2 Q. Now, when I asked you about your investigative
3 career in law enforcement -- I want you to take a look at
4 these two documents side by side. Mark these as the next.

5 (Deposition Exhibits 12-13 were marked for identification.

6 Turn them over for a second. Over the course of
7 your illustrious career in law enforcement, have you ever
8 interviewed people that were suspected of committing crimes?

9 A. Yes.

10 Q. People that you believe were just lying to you?

11 A. Yes.

12 Q. People that you asked to write statements?

13 A. Yes.

14 Q. People may be who had prepared statements and had
15 given them to you, yes?

16 A. Yes.

17 Q. For example, you are investigating an incident and
18 let's say a suspect prepared a written statement to give to
19 you. In other words, not in your presence; okay?

20 A. Yes.

21 Q. Let's you know what an alibi defense is?

22 A. Yes.

23 Q. What does that mean to you?

24 A. Means been somewhere else, doing something else
25 when it happened.

1 Q. At the time I was accused of doing this thing, I
2 wasn't there, I was some place else, yes?

3 A. Yes.

4 Q. Sometimes they have a witness also prepare a
5 written statement, right?

6 A. Yes.

7 Q. And, of course, based on your training, you look
8 at the statements to see whether or not you believe they
9 were fabricated, yes?

10 A. Yes.

11 Q. And you have investigative techniques to do that,
12 right?

13 A. Yes.

14 Q. Take a look at these two. The first one is --
15 we'll deal with -- we're back to Uilani Danley. This is the
16 day after the June 12th note -- or June 13th to Patrick
17 Collins again. "To the best of my knowledge" -- you see
18 that?

19 MR. HELPER: Let me interpose an objection, and if
20 I could have it as a running objection, to the extent you
21 are asking about these documents. It's improper, lacks
22 foundation, as it stands now, and second, it looks like what
23 you are heading towards doing is asking him to serve as an
24 expert witness or law enforcement --

25 MR. GREEN: That's your objection.

1 MR. HELPER: So that's my running objection, so I
2 could just get it out all at once. So if I could just have
3 a continuing objection.

4 MR. GREEN: I got you, and I understand, and it's
5 well taken.

6 Q. (By Mr. Green) She says, "To the best of my
7 knowledge, I witnessed an incident that occurred during my
8 1st week with TSA." Do you see that?

9 A. Yes.

10 Q. And then we look at what whatever number the court
11 reporter marked for Tina Perez. What exhibit number was
12 that?

13 A. 12.

14 Q. Then we start with Tina Perez, this is June 13,
15 2003. Her first sentence, "To the best of my knowledge,
16 during the first week of my employment with TSA."

17 Do you see that?

18 A. Yes, sir.

19 Q. The sentences are the same?

20 A. Yes.

21 Q. And, Tina Perez, her first week of employment
22 would have been when?

23 A. She was also an incumbent, so the same time as
24 Uilani them.

25 Q. So this was seven months after the termination of

1 Tom Young, yes?

2 A. Yes.

3 Q. She appears to be recounting something that
4 happened seven months before. Both women appear to be doing
5 that, right?

6 A. Yes.

7 Q. She says, "I witnessed an incident that occurred
8 during my first week with TSA." And, of course, that's the
9 same thing that Perez wrote. "It involved Tom Young and a
10 passenger that had brought a prohibited item a torch lighter
11 into the checkpoint."

12 Do you see that?

13 A. Yes.

14 Q. That I read from Ms. Danley's report. Reading
15 from Ms. Perez, it says, "I witnessed an incident that
16 happened in the checkpoint. It involved Tom Young and an
17 irate passenger."

18 Do you see that?

19 A. Yes.

20 Q. Let me read back from Danley. "It involved Tom
21 Young and a passenger that had brought a prohibited item a
22 torch lighter into the checkpoint. This male passenger was
23 acting totally irate, yelling, swearing at the screeners,
24 and making obscene gestures using his middle finger."

25 Were you there when this happened?

1 A. I came in after.

2 Q. "Tom Young was there on scene, but could not
3 control the situation, because the next thing that I saw was
4 Filbert Carvalho taking over and calming the man down so
5 that he could proceed to the gates. Tom was no where to be
6 seen."

7 Did I read that correctly?

8 A. Yes.

9 Q. Now, we turn to Ms. Perez's statement, "This
10 passenger was yelling, swearing at the screeners and making
11 obscene gestures with his middle finger regarding his butane
12 lighter that is a prohibited item. Tom Young was the first
13 person to approach the passenger to try and control the
14 situation. When I looked back at the passenger because he
15 was still very irate, Tom Young was nowhere to be found and
16 Filbert Carvalho was now handling the passenger."

17 Did I read that correctly?

18 A. Yes.

19 Q. The statements seems to be similar, don't they?

20 A. Yes, sir.

21 Q. And do you know if anyone asked them to write
22 these statements seven months or so after the incident?

23 A. No, sir.

24 Q. Do you know what caused them to write these
25 statements?

1 A. I believe they were directed by their AFSD. He
2 would direct them to --

3 Q. Who was the AFSD?

4 A. Bobby Au.

5 Q. And this was seven months after the termination of
6 Mr. Young, right?

7 A. Yes.

8 Q. But certainly after the EEOC complaint was filed,
9 yes?

10 A. Yes.

11 Q. Do you know where Mr. Young was when you
12 approached this irate passenger?

13 A. No.

14 Q. Do you know what he was doing after you approached
15 that irate passenger?

16 A. No.

17 Q. Have you ever read his statement as to where he
18 was at the time?

19 Q. Exhibit 4, which has already been marked -- hold
20 on a second.

21 MR. HELPER: Can we take a one-minute break?

22 MR. GREEN: It's my last question.

23 MR. HELPER: Okay. If you are serious about that.

24 Q. (By Mr. Green) I am serious about that.

25 Exhibit 9, if you will turn to a letter that

1 Mr. Young wrote to the Office of Civil Rights Arlene Patel.
2 Where am I now? Turn to the third page, number C. "October
3 29th: Stated I wasn't at the checkpoint at peak time and
4 that I failed to control a situation involving an irate
5 passenger. Also, that I did not follow proper procedures
6 for screening a pilot. Concerning the not being at the
7 checkpoint on time, I was never counseled about this, I
8 challenge anyone to show a document I signed to that effect;
9 no oral or written counseling of any kind occurred. I was
10 at the checkpoint, again ask my screeners. Second part, a
11 passenger did become irate over a cigarette lighter that we
12 would not let him carry on board. He was very irate and
13 became more and more agitated, I tried to talk to him and he
14 started shouting and barged through the walk through metal
15 detector, at that point four security officers surrounded
16 him and Mr. Carvalho engaged the passenger."

17 Is that true?

18 MR. HELPER: Are you asking?

19 Q. Were there security officers that surrounded him,
20 and you approached him?

21 A. I don't recall the four security officers, no.

22 Q. Well, if somebody barged through the metal
23 detector, it wouldn't be unusual for him to be surrounded?

24 MR. HELPER: Hang on a second. Assumes facts not
25 in evidence that he did in fact barge through the metal

1 detector.

2 THE WITNESS: When I got there, he was already in
3 the holding area.

4 Q. (By Mr. Green) He had been through the metal
5 detector?

6 A. Yes.

7 Q. "At that point four security officers surrounded
8 him and Mr. Carvalho engaged the passenger, Mr. Leong was
9 also on the floor at this time. I then asked the gentleman's
10 wife to try and get her husband to calm down and she
11 refused."

12 Did you hear him say that to the wife?

13 A. No.

14 Q. "I then called the airlines and got some of their
15 personnel to come down and get the lighter and they assured
16 the passenger they would get it to him at his destination."

17 Did airline personnel come down and take the
18 lighter, if you know?

19 A. No.

20 Q. You don't know?

21 A. No.

22 Q. Do you know whether, in fact, Mr. Young went and
23 called someone at the airlines to come down?

24 A. No.

25 Q. Did the man seem to calm down at some point?

1 A. After I talked to him.

2 Q. Do you know where his lighter was?

3 A. Yeah, in the bin.

4 Q. In fact, the airline personnel took it and told
5 him they'd give it to him when he got to his destination,
6 didn't they?

7 A. The GSA.

8 Q. Yeah. Thank you very much. I have no further
9 questions.

10 (The deposition concluded at 12:01 a.m.)

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